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COWARD AND PATRIOT.¹

THE 3d of January, 1895, was, according to the traditional chronology, the two thousandth anniversary of Marcus Tullius Cicero's birth. Surely it will be generally agreed that such a day should not pass unmarked. There are few men throughout all history who have played so many parts, and in so interesting a manner, upon the stage of life.

A portion of his supreme importance is, indeed, an accident of survival. His copious philosophical dialogues, in particular, are in the main transcripts from Greek originals, and only the loss of the Epicurean and other sources makes these books indispensable. Even his works on the history and theory of Roman rhetoric are doubly precious because no rival or preceding orator survives, even in a single speech. His correspondence, again, is in many directions our only resource for light on political events, upon the one hand; or upon the other, for the idioms of colloquial Latin. This, too, is what we call, perhaps irreverently, an accident.

But in political and legal oratory, at least, his leadership among Romans would hardly be questioned, even if some miracle had preserved all of the masterpieces of Latin eloquence. As a stylist, also, the imperial adjective *Ciceronian*

¹ This paper was read, nearly in its present form, as a lecture, at Swarthmore College, on the anniversary referred to, January 3, 1895. A few old Bryn Mawr students may also recognize in it a sort of "specimen brick" from the courses of lectures on Greek and Latin literature given there during 1892-94. The article on Cicero in the "Library of the World's Best Literature" sets forth the same general views, but is entirely distinct, it is believed, in phrasing, as well as on a much briefer scale. W. C. L.

does but justice to his unrivaled services. He, almost single-handed, made the Latin language all it was capable of becoming. Five great literatures, including our own, bear his stamp and impress of mastery to-day.

These things are indeed the most threadbare common-places of scholarship, hardly to be repeated even on bimillennials. But Cicero also claims a place among the heroic champions, in happy or evil days, of civic liberty. As men even yet rejoice in the triumphs of Aristides and Timoleon, of William the Silent and John Hampden, of Washington and Lincoln, so do we still regret the noble failures of Demosthenes and Rienzi, of Andreas Hofer, and Louis Kosuth. It is essentially upon Cicero's claim to a place in this latter group of moral heroes and martyrs for liberty that I attempt to pass judgment.

It has been said, doubtless often said, that we know too much about Cicero; too much, no doubt, for his own fair fame in certain respects, and certainly too much to permit a curt and unqualified judgment upon his character. A drawing in which every stone, every crevice, crack, and break can be traced is not the one in which the character of a great cathedral is most easily seen. Prof. Gildersleeve tells us emphatically in one of his essays that much of Cicero's literary output may most profitably be left unread: a comforting word from a student whom none will suspect of sinning through indolence. Certainly the intelligent and critical reading of all Cicero's works would be an adequate task for a lifetime. Happily for such a purpose as our present question we need not sift all the materials available before stating some conclusions. Rather, as in Boswell's Johnson, certain traits shine forth almost equally clear upon any page we may chance to open; and in Cicero the Johnson and the Boswell, the subject and the delineator, are one.

We cannot discuss clearly the great crises of Cicero's life in succession without first sketching in our general impressions of the background against which that life stands. It is literally the cardinal period in Roman if not in human history. Opinions of its character have always differed

widely, and perhaps always must diverge. Our knowledge, though bewilderingly rich in detail, is of course really most imperfect and fragmentary. And yet, some opinion about Cæsar and Cicero, just as about Homer and the *Iliad*, every thoughtful student must form.

It seems plain that the days of Cicero were spent in an age for which he was ill-fitted. In this respect his life-story is much more tragic even than that of Demosthenes. The Greek orator had to appeal to an ease-loving people, degenerate indeed, yet not absolutely, but only by comparison, ignoble; a folk still truly the Athenian, fairly homogeneous, apparently, in blood, conscious of and still proud of their ancestry, knowing well what their true policy was, though not willing in ordinary times to sacrifice their personal comfort. Demosthenes's fight was a losing one: perhaps inevitably a losing one from the first, though that is not self-evident. But his duty was clear and simple. The foe was outside the gates, hardly even a Greek at all. He was always the true leader, and sometimes all Athens followed as one man. The path of honor for the Athenians was plain, whether it must in any case have led to subjugation at last or not. And the voice of Demosthenes never gave an uncertain sound. We cannot believe that in his own heart he at any crisis had a long struggle or a deep perplexity as to the patriotic course. To such a life, failure, or even tragic death, only comes as a crown of martyrdom, glorifying and sanctifying all its struggles.

Cicero's natural gifts were far more bountiful. His education was much more many-sided, laborious, and prolonged. It is perhaps easy to believe that under equally simple conditions his patriotism would have been almost as steadfast, burning, all-pervading a passion as that of the Greek orator. We can easily imagine him, for instance, in the age of Pyrrhus or Hannibal, as inflexible in his opposition to dishonorable peace as Appius Claudius, whose words we read idealized in Ennius's noble verses, and certainly far more eloquent than he.

But Cicero's lot fell in those unhappy days when Romans

no longer had a dreaded foreign foe to fight. That sturdy commonalty to which the great though rude earlier orators, down to Cato's old age, had so effectively appealed was already rapidly vanishing. The independent peasant farmer had nearly disappeared from Italy, and great troops of slaves farmed the estates of princely nobles. The common people of the city were already demoralized by the inpouring wealth of foreign conquest. The cry, "*panem et circenses*"—free food and brutalizing amusements—was already loudly heard. The rabble was made up of all nationalities. Sulla alone admitted thousands of freedmen into his own Cornelian name. The exercise of the franchise seems to have been a mere question of the heaviest clubs or bribes. The story, for instance, of Milo's and Clodius's quarrels makes us wonder that the Roman patriot felt he had a people to appeal to at all. If there was a contested election, each noble candidate marshalled his thousands of clients, freedmen, and armed bravos to overawe the centuries. Of course, simplicity and the ruder virtues were not unknown, at least in other parts of Italy. The early home life of Cicero himself, of Horace, and others, makes this clear. But it was the curse of the imperial city, as of her world-wide subjects, that no better government for the whole unwieldy empire could supersede that turbulent town meeting.

The great nobles all enriched themselves mercilessly at the expense of the hapless provincials, usually securing enough also to bribe the jury if an attempt was made to impeach them for extortion after their return. There were no honest Roman provincial governors. Cicero, indeed, was humane; and yet he brought back a fortune from his one year in poor, rugged Cilicia. The noble Brutus was murderous, as well as shamelessly dishonest, in his determination to fleece his defenseless Greek debtors. (See *ad Att. VI.*, 1, 5-6.) A Lucullus or a Verres played the same character on a larger stage. And these ill-gotten millions were squandered upon the villas, the gardens, the fish-ponds, the banquets, and the vices of as selfish, heartless, and purposeless an aristocracy as the world has ever seen.

Through such a turbid sea, of selfishness above and brutishness below, Cæsar comes pushing his way steadily toward the slippery rock of supreme power, which even the Scipios in their day might have seized with little danger of effective resistance, which Marius had actually grasped, though with the mere grip of a savage. If half the tales of Cæsar's dissolute youth be true, his was the most wonderful assertion of a loftier self, at forty years, that was ever recorded. While immensely farther-sighted and more masterful than any contemporary, he was no doubt, like Napoleon, above all an opportunist. He took prompter advantage than others of conditions as they arose; conditions which no man could steadily and adequately foresee.

Pompey and Crassus were successful dull-witted commanders, jealous because the older nobility did not value their exploits as they felt they deserved. These two Cæsar easily played off against each other and made his young ambition's ladder, until he was strong enough to mount without them.

Cicero's instincts, I say, seem to have been always those of a patriot. Even Octavian Augustus, long years after, found his grandson reading a book of Cicero, took it from the frightened boy's hands, unrolled musingly many a page, and handed it back at last with the words: "That was the work of a good man who truly loved his country." The murderer's judgment upon his victim was not too generous.

But surely there were many days in his life when the golden-tongued orator hardly knew whither to turn in quest of that ideal fatherland he so often apostrophizes. For instance, Cicero was not in the secret of Cæsar's assassins; Shakspeare says, because Cicero would feel he must be first in all their counsels. But it may be doubted if they were even sure of his whole-hearted sympathy. There was hardly among them much serious pretense of high motives, patriotic or personal. Such a doubt, whether there was any Roman state still worth the saving from tyranny or anarchy, is uttered often enough by Cicero in his desponding moments. The doubt must really have haunted nearly all his

career. It explains, more charitably and more justly than mere cynically selfish motives, much of his vacillation. It may aid also in explaining what we nearly all feel, the strange unreality in his most impassioned speeches. They are, nearly always, the brilliant performances of an accomplished stylist and actor, who almost carries away his audience: I mean his cold, critical, modern audience: because he almost, but never quite, forgets himself.

Cicero was born at Arpinum, in Southeast Latium. Marius was his townsman, remotely connected by marriage; and no doubt his example stimulated the ambition of the Ciceros. If we carry back the reformed calendar of Cæsar to this time, Marcus, son of Marcus, and father of an ignoble final Marcus, was born in October, 107 B. C., not, as is usually stated, on January 3, 106 B. C. His only brother, Quintus, was a little younger. He too had a rather undutiful son, who bore his name. Arpinum enjoyed the full Roman franchise, but the family was plebeian; and though raised to equestrian rank, or as an Englishman would say, belonging to the gentry, by right of wealth, had never held any Roman office. Marcus himself, it may be remembered, "smiles at the claim of long descent," for himself, in a passage often read for its vigorous attack upon the lying family chronicles and funeral orations which had only darkened the current of early Roman annals. (Brutus, XVI., 62. And yet Plutarch alludes to a tradition that traced the family back to Volscian kings.) Moreover, the race became extinct with the orator's son, who alone escaped the proscription in which Marcus and the two Quintuses perished. The elder Quintus, with a bad temper and cruel instincts as a provincial governor, had literary and military ability of the second order; but with that partial exception the line produced one great man only: "One, but a lion!" as Æsop says.

Of their mother, Marcus tells us never a word; and Quintus only alludes (ad Fam. XVI. 26) to her sealing up even the empty wine jars, in their boyhood, to prevent any chance of forbidden visits to the cellar. It was probably Marcus's brilliant promise that drew the family to Rome.

The father was always delicate, but did not die until 64 B. C., just before Marcus's election as consul. Of Cicero's early training and tastes, there are some charming glimpses in his oration defending his old teacher, the Greek poet Archias. Interesting too is the passage (*De Amicitia* 1, 2) where we have a picture of him "studying law" under the two great Scaevolae, the augur and the pontifex. But especially important is the full account of his oratorical studies in Rome and Greece, and of his early triumphs, in the *Brutus* (§§ 308-324.) There is a graphic sketch, even, of his own personal appearance as a slender youth (313) and a striking catalogue of his unique oratorical accomplishments, introduced thus, with characteristic modesty (322): "Nothing will I say of myself; but of the others, not one had endeavored to raise himself above the common herd of men as to literary style, in which is the very source of finished eloquence; not one had mastered philosophy, mother of all noble acts and utterances; not one had studied civil law, acquired Roman history," etc. The preparation which in the *De Oratore* Crassus demands of the perfect orator, viz., the mastery of all studies and all accomplishments, Cicero strove to realize fully in himself, and was well satisfied with the result.

Even after his early triumphs had made him sought after for important cases, he withdrew for two years (80-79 B.C.) to Greece, and, especially, renewed his studies in Rhodes under Molon, from whom he had already had instruction when the Rhodian orator was on an embassy to Rome. The especial effect of this last training was to remove a certain excessive violence of delivery, which endangered his health, and an "Asiatic floridness and over fullness in his style." This last assurance may well astonish us, to whom he seems the most florid and copious of writers. The master of Roman criticism, Quintilian, has well said that in Demosthenes's periods "not a word can be spared, to Cicero's not one could be added." Surely his earlier style must have been flowery and ornate indeed. But after all, he was an Italian, preparing himself to appeal to the passionate, excitable, Italian populace; and his success is the best of vindications. He

could always win their ears, and almost always sway their hearts. The decisive failures of his life were not upon the rostrum.

These studies were interrupted once only by a brief campaign in the Social War in his nineteenth year. (This is commemorated by a delightful little anecdote of courtesy between opposing generals, in Cicero's *Philippics*, xii. 27.) Indeed this too might be called part of his preparation, since the orator must know everything. Any Roman, by the way, seems capable of turning soldier at a moment's warning. Even the recluse and pedant Varro twice left his books for the field, and won some honors there. Cicero felt he earned a triumph in Cilicia. Cæsar himself had had no large military experience when at forty he went to Spain as *proprætor*, and in one campaign acquired both enormous wealth and fame as a consummate strategist.

Cicero began his public life, naturally enough, with democratic sympathies. The terrible excesses of Marius and his partisans, which he witnessed as a youth of eighteen, did not convert him. Perhaps local and family pride blinded the eyes of the Ciceros somewhat to the faults of Marius. But Sulla and his nobler born accomplices were quite as bloodthirsty and mercenary five years later. Sulla believed firmly that he had at least lopped off all the capable heads of the democratic party, and made the rule of the *Optimates*—the old Senatorial families—sure and permanent. In this full belief he abdicated the dictatorship a year before his death. Perhaps Sulla was half right. The proscriptions, like the Spanish Inquisition, resulted in the survival of the unfittest. Something like a wave of popular enthusiasm we seem still to see following the career of the eloquent young lawyer Cicero himself, carrying all the centuries for him as *prætor*, placing him at the head of the poll for consul. But if so, it is the last real appearance of the people as an intelligent force. Pompey tried to widen the basis of his own personal influence by increasing the power of the only middle class Rome knew, the *equites*: that is, simply citizens from families not ennobled by high office, whose wealth

raised them above a certain minimum of taxable property. But this class was quite as selfish and unpatriotic as any other, and pretty fully absorbed in commerce proper or in farming the State revenues. The horde that Cæsar led, in peace or war—more and more fully under his control from the days of Cicero's consulship, or earlier, until his own permanent dictatorship satisfied his ambition—can hardly be suspected of any intelligent or generous patriotism. Rome, high and low, needed a master, and the man had appeared. For the rest of Italy, and especially for the Provincials, that is, practically, for the whole of mankind, it was a happy day when they came to have one permanent tyrant. Varro may have lived to realize this. Cicero's death, tragic as it was, only hastened the necessary end. But it is fully time to turn to the details of his public career. Eight points in that career interest us most:

1. The defense of Roscius Amerinus, 80 B.C.
2. The impeachment of Verres, 70 B.C.
3. The events of 63 B.C.: the consulship, execution of the conspirators, and overtures to the Optimates.
4. Cicero's exile, 58-57 B.C.
5. His return, attempt at thwarting Cæsar, and abject submission.
6. His vacillation in 50-49 on the verge of the civil war.
7. His over-hasty return to Italy and submission to Cæsar.
8. His exultation at Cæsar's murder, and twenty months' struggle against Antony, from March, 44, to December, 43.

The first three dates, unfortunately, fall before the time when the confidential letters to Atticus fully unlock the writer's heart for us; two of them previous even to the earliest scattering letters. Yet in regard to all these events it will probably be found easy to form definite opinions.

As the story of Cicero's defense of Roscius Amerinus is told to us, chiefly in the extant oration itself, the act shows much courage, even though Cicero modestly says it was forced upon him by his personal relations and made safe by his own obscurity. There is some reason to think he was assured of protection by friends of Sulla: especially by

the noble lady Caecilia, who had saved the unhappy young Roscius's life. An Umbrian millionaire, the elder Roscius, had been found murdered in Rome. It was just at the close of the Sullan proscriptions, of which many private assassins took advantage to "remove" their personal enemies or to line their purses. Sulla's suspension of the proscriptions had not been rigorously enforced. The dead Umbrian's name was now smuggled into the list of proscribed. Two unscrupulous kinsmen of his, perhaps the real murderers, and Cornelius Chrysogonus, an all-powerful freedman and favorite of Sulla, secured his confiscated estates for the merest trifle. When the son complained of this, the plotters arranged to remove him also by charging him with his own father's murder.

The case was tried before a jury of senators. There does not appear to have been any proof or even probability against young Roscius. He was on the Umbrian estates at the time of the murder. Yet all the older lawyers feared to defend him, and his conviction by the jury was fully expected, because under the existing reign of terror no one dared thwart the favorite of the dictator. Cicero's action was a creditable one, and his success, won by arousing in the timid jury sufficient courage and humanity to acquit the innocent youth, is considered one of his great triumphs. Plutarch says that Sulla himself directed the prosecution of the son, being angry that his act of confiscation had been questioned. This is not Cicero's avowed theory, certainly. He repeats carefully (9, 25): "It is understood, judges, as I have said before, that it was without L. Sulla's knowledge that these crimes and outrages occurred." We rarely know whether Plutarch has a vague memory or more complete information than we. This was in 80 B.C., in Cicero's twenty-seventh year. It appears to have been the first criminal process after Sulla handed over the judicial power from the equites to the senators. Perhaps Sulla himself did not wish their first decision to be so discreditable.

Cicero in after years often speaks of this case, and shows elation at his success. However, it was precisely the next

two years that he spent in travel and study, returning after Sulla's death. So perhaps his first appearance in a criminal case really came near putting an end to his career at once. Plutarch says positively: "Fearing Sulla, he traveled into Greece, and gave out that he did so for the benefit of his health." - That was true enough in any case.

The impression which Cicero gives us, that he has left this juvenile speech untouched, is not easy to accept. Some of the half-veiled criticisms of the existing régime appear quite too bold and too impolitic for the circumstances. We know that Cicero, in many other cases besides his defense of Milo, published the speech "as it should have been delivered." After writing this, it is encouraging to notice that Drumann has based the same opinion upon the very sentence which roused my own incredulity—namely, the epigram in § 1, 3. "For myself, if I speak too freely, it will pass unnoticed, because I am not yet in public office, or mercy will be shown for my youth's sake; though *not merely the habit of mercy but even of inquiry has disappeared from the state in these days.*" The word *nondum* (not yet), especially, may betray the later hand. Altogether, we have not the means for deciding just how bold Cicero showed himself on this occasion; creditable his action undoubtedly was.

Cicero was questor in Sicily in 75-4 B.C. I am especially interested in his account of a brilliant archæological exploit during his stay there. He rediscovered the tomb of Archimedes, outside the gates of Syracuse, by the help of a literary tradition recording the inscription. He sought successfully the sphere and cylinder upon the tomb, which were mentioned in the epitaph. (Tusc. Disp. V., 23, 64.)

Cicero really was humane, as has been said. His aversion to the gladiatorial sports is a genuine illustration thereof. The sufferings of the provincials filled him with indignation. His relations with many Sicilians from this time on were most affectionate. His impeachment of the great governor Verres in B. C. 70 does credit to his heart: but also no less to his head. His splendid energy in collecting an irresistible mass of evidence, his self-restraint in presenting it at

once, after a very brief introductory speech, carried everything before it. Verres fled without a struggle, though Hortensius, until that day foremost of Roman lawyers, had undertaken his defense.

This was not, however, an act of perilous heroism, as the Roscian speech may have been. The new times permitted comparative freedom of utterance at least. The orator had now unlimited and well-grounded confidence in his own powers. His effort was, in fact, liberally rewarded with fame and popularity, and he attained at a bound the leadership of the bar.

Moreover this case was practically, if not avowedly, part of a larger political movement. The reactionary aristocratic constitution of Sulla had remained essentially intact through the eight years since his death. But now a movement was on foot to restore the power of the popular tribunes, and also to hand back the right of sitting as jurymen, in such trials as this, from the senators themselves, too often interested in whitewashing one of their own ring, to the equites, who had held it for forty years down to the time of Sulla. Or rather, the juries were now to be divided among the senators, the equites, and the "tribunes of the treasury." The law to effect this change was already proposed, and its enactment foreshadowed. The scandal of Verres's case probably aided in making the submission of the senate to the measure a political necessity.

This championship of the equites at an important crisis—70 B.C., in Pompey's first consulship—brought closer together Cicero, the son of an eques, and Pompey, whose father, first of his family, had won high official rank by his sword in the Social War, but had never gained a firm place among the older nobility. This regard for Pompey never wholly left Cicero, but seems to have been a very mixed feeling, with little hearty admiration and confidence in it. The two rested their political influence upon nearly the same classes, both suffered from the jealousy of the old nobility, and they stand almost unique among the Romans of their day in the purity of their private life.

Cicero's consulship, like his other honors, he undoubtedly won almost wholly by his splendid eloquence. We who read the speeches with cold comment, in text-books, can never realize how eagerly men sought his voice for each struggling cause and burning question. Then, too, the old noble families may well have seen the Catilinarian storm coming, and have felt that the people's orator had better be put forward to crush the aristocratic demagogues and revolutionists, if such they were.

Upon the events of the year 63 we have all heard much from Cicero himself in the Catilinarian orations. We have no other full and independent account at first hand, unless it be Sallust's, which does not inspire the fullest confidence. There is a general feeling that Catiline's side of the story has never been told at all, and that if his plans had been so wicked and so wild as they are painted he could hardly have had so many and able adherents. That Cæsar had cordial relations, at least, with the ringleaders is more than probable, and his effort to have the death-sentence commuted was doubtless prompted by motives other than humane.

Just how much responsibility Cicero had for the executions is not easy to determine. Cato's insistence carried the vote in the senate, and is an instance of his unfailing wrongheadedness, of which Cicero himself complains on other occasions. The ex-consul has a habit in later years of claiming all, or only a very little, of the responsibility, according to the times and his own political prospects. It is further interesting to note that in his subsequent defense of Cælius, charged with attempting the murder of Clodia, Cicero finds it necessary to draw a greatly modified portrait of the diabolical archconspirator, with whom Cælius had confessedly been intimately associated in early life. This was only seven years later: instructive years, to be sure, for Cicero's own exile lay between. He attempts, after a fashion, to save his veracity as to the earlier diatribes. (*Pro Cælio*. V. ad fin.) "Nor do I think that there ever existed on the earth such a monster, so compounded of impulses

and desires diverse and at strife with each other." That is, "all the evil I said of Catiline then, and all the lighter tints I need to-day, make a strange and incredible creature." And they do, indeed.

The execution of the conspirators was probably, technically, illegal; though the point is a delicate one. (See Watson's Cicero, pages 131, 132). The right of appeal to the people was sufficiently established. Yet it had often been ignored, and must be ignored in a state of civil war. The exigency did not *self-evidently* demand the immediate execution, though the act may have prevented a popular revolution. It seems to have been on Cicero's part the act of a physically timid man, frightened out of his usually humane instincts, and somewhat misled by an exaggerated feeling as to the importance of his own personal safety to the existence of the state. "An attempt has been made to murder me, 'patrem patriæ,' in my bed! Anarchy is at the door. Terrible dangers justify stern remedies. The serpent of conspiracy must be beheaded at least." Politically, of course, the executions were an error, or a choice between evils. And they worked out their natural penalties.

Just why Cicero passed on to the party of the Optimates in the course of this year cannot be fully explained. His own position seemed now assured. Every anarchist even, it is said, becomes a conservative when he acquires property. The popular leaders were, at least at first, generally entangled with Catiline. (Sallust, "Catiline," § 37.) The flattering social and personal advances of the great nobles may have affected a man of humble origin, as the Southern gentlemen are said to have won Andrew Johnson, a poor man from a border State, in 1865 and the following years. A clear *proof* of the change is the praise of the Gracchi in January, 63 ("De Lege Agraria," II., 5, ad init.): "Two men most illustrious, most able, most devoted to the Roman people;" and again, "I am not, however, a consul who, like most, think it a sin to praise the Gracchi," etc. This is in evident contrast with the familiar passages from the Catilinarian speeches of November (*e. g.*, I, 1, 3 and I, 2, 4),

where the *murderers* of the Gracchi are lauded, and their brave deeds adduced as suitable precedents for Cicero's own action against revolutionists.

Cicero did not accept the usual opportunity to recoup his fortunes, after the outlay of a canvass and a consular year, by squeezing the natives of a foreign province. Of the two governorships placed by the senate at the disposal of the consuls, he turned the richer prize, Macedonia, over to his colleague Antonius, probably to keep him from playing into Catiline's hands. The other he handed on to Metellus Celer, one of the pretors in 63. This has given occasion for what the Germans call an "ingenious combination" bearing upon a famous chapter of literary history, or of the *Chronique scandaleuse*. This second consular province was Cis-Alpine Gaul. So, if Metellus took his wife Clodia with him, and if Catullus's father entertained the Roman governor in Verona then, as we know he did Cæsar eight or ten years later, and if this Clodia was Catullus' "Lesbia"—then, perhaps, these dishonest and unhappy lovers owed their first acquaintance, indirectly, to a man whom Clodia had offered to marry, and Catullus has complimented in verse, but whom both detested, as I believe, the patriot Cicero.

Cicero perhaps thought his exile due to the persistent malevolence of Clodius Pulcher, who had been discredited, though not convicted, through Cicero's testimony, when on trial for intruding on the feminine celebration of Bona Dea's rites. Cicero deserved some punishment, indeed, for pursuing Clodius thereafter with coarse witticisms, not excepting revolting allusions to the sister, Clodia.

But Clodius Pulcher was probably a mere pawn in the hands of the most astute, cool-headed, and far-sighted of political gamblers. Julius Cæsar had now acquired a sufficient ascendancy over the two most powerful generals of his time, Pompey and Crassus. There are few more pitiful delusions in Cicero's letters than his boast (*Ad Att. II., 1, 6*) that he has already secured Pompey to the cause of good government, and may win Cæsar also: "What if even Cæsar, with whom the wind is now so fair, be won over by me?"

Shall I be doing so much harm to the state?" This was written in June, 60, and the cabal known as the first triumvirate was already forming.

In after years Cicero declared that it had rested with himself to make this "triumvirate" four-cornered; and a passage in a contemporary letter tends to bear him out. (Ad Att. II. 3, 3, Dec. 60 B.C.): Balbus had promised, in his master Cæsar's name, that "he will in all matters consult me and Pompey, and will also see to it that Pompey and Crassus are united."

But—call it self-confidence or patriotism, as we will—Cicero dallied, and hoped for better things. Time ran short. Cæsar was soon to depart for Gaul for a long term of years. There he must forge patiently the only weapon which could make secure the imperial power he craved: a devoted army. For that, time was imperative. Before his departure, Cæsar's eagle eye scanned his possible rivals. Crassus and Pompey could be safely left to thwart each other, and exhaust by wrongheadedness or selfishness in local Roman affairs the popularity their swords had won them. Toward such warriors, boggling in politics also, popular contempt would be bred by familiarity. The growing sloth of the older aristocrats like Lucullus and Hortensius made them harmless. Catullus died in 60. Cato was too ruggedly impracticable to lead any party long.

But Cicero was a more serious problem. His dreams of an aristocratic reaction under his own lead were too vivid. His personal popularity was a real and permanent factor which his eloquent tongue might in any great crisis make a dangerous one. His wings must be cruelly clipped in order to cripple fatally that influence.

Now, as Pompey shared with Cicero his purity of private life, so Cæsar shared with him a quality equally rare among Romans, an aversion to needless violence and bloodshed; or, at least, to the shedding of Roman blood. Assassination would not have been a surprising solution; but Cæsar tried gentler ways; offered a place on his staff of generals, such as brother Quintus accepted; put in Marcus's way, also, a

roving "free legation" (like President Grant's gift, an "inspectorship of consulates"), which would take him back to his favorite Greek haunts under honorable conditions.

All these were declined. And at last Clodius was allowed to bring up his decree prohibiting from fire and water any who had put Roman citizens to death illegally. The hand of Cæsar is in every move. He is indeed the only man of that time who always knew what he wanted, and knew how men should be managed that it might be secured.

Cicero's conduct throughout the period of his exile was contemptible. His immediate withdrawal from Rome, though he was actually not named in the first bill, and though thousands are said to have put on mourning to show their sympathy with him, was, even in his own later judgment, pusillanimous. While absent, his inkstand is a fountain of ignoble lamentations, mixed with most unjust complaints of selfish indifference, aimed at Atticus, and of treachery, heaped upon nearly every other friend he had, including Cato and Hortensius. Atticus must have been abnormally pachydermatous, if he did not make cutting and impatient replies—his letters are all lost—to some of these querulous screeds.

All real students should certainly read with care the letter to Atticus (Book IV., No. 1), describing Cicero's return from exile and first appearance in Rome. Even that begins with a magnanimous consent to forgive Atticus his shortcomings as a friend and adviser. The crowds that turned out to stare at the returning chieftain from Brundisium to the city gate seemed to him all Italy welcoming back "*paterem patriæ*." At the close there is a hint, probably, that his wife, Terentia, has not satisfied him as to financial matters during his absence. "As to property affairs, I am, you know, much disturbed. Moreover there are certain family matters which I do not trust to a letter." A similar dispute, apparently, at last caused Terentia's divorce, after thirty years of married life. Like most multi-millionaires, Cicero was desperately poor and harassed for money nearly all his life.

Cicero was so elated by his home return that he at first again fancied that he could put himself at the head of the party of the Optimates and make, through the senate, an effective opposition to Cæsar's political progress. From this eminence he was "called down" in an instant by a sharp admonition from the triumvirs, conveyed through brother Quintus. Marcus had induced the senate to set a future day (May 15, 56) for discussing the legality of the agrarian law, carried by Cæsar three years before, to divide Campanian lands among Pompey's veterans and needy citizens. This was a rash blow at both the great men. It had perhaps a prominent place among the events which led to the great conference of Cæsar's faction at Lucca, where the triumvirs' alliance was more firmly cemented. Cicero tries to cover his own mortifying submission by complaining of the ingratitude and jealousy shown by the old nobles; but his account of the whole period, set forth in the long letter to Lentulus, which seems like a semipublic "*Apologia pro vita mea*," is sorry reading—an apology rather than an *Ἀπολογία*, says Prof. Tyrrell. (Ad Fam. I. 9: §§ 4-18 especially.) His submission was abjectly complete. From 56 until his reluctant departure to Cilicia as proconsul, in 51, he did what he was bidden. In this very year 56 he withdrew the obnoxious motion, made an apology to Cæsar, and took a leading part in a debate whereby he secured to Cæsar the unopposed retention of both Gauls for the full ten years. In 54 he even defended his inveterate personal enemies, Vatinius and Gabinius.

While discussing Cicero's action in the great crises, we must never forget this whole series of years, and those others during Cæsar's dictatorship, through which he played a most ignoble part as chief pervert from the cause he at heart still cherished. The only adequate excuse for this ostentatious submission, viz., that he had come to believe the Romans unworthy of, or unfit for, anything save a tyranny, he has himself cut off by his later utterances. Nay, even his private letters in these very years show that he felt that life was hardly worth accepting on such terms. We can have

sympathy, mixed with some pity, for such a man; but we can hardly make him an ideal moral hero.

The governorship of Cilicia Cicero accepted most unwillingly for a single year. He was as homesick for Italy as Dr. Johnson when away from London. His alert and cultured mind drew no inspiration, it would seem, from the scenery or the older civilizations of Asia. Despite his much-vaunted probity and undoubted humanity, a respectable fortune flowed into his private coffers in these brief months. What must have been the temptations and the gains of a Verres in such a province as Sicily!

The civil war was already inevitable when Cicero returned from Cilicia. He hesitated long, and was as much concerned about his own prospect of a triumph, for his successes against the nameless tribes of Asia Minor, as about the fate of the commonwealth. Every phase, almost every hourly reconsideration, of this long mental debate is recorded in the letters to Atticus. The bewildering array of minor motives and remote possibilities wearies the reader. One curious fact is clear: that Cicero actually liked, perhaps loved, Cæsar, was fascinated and attracted to him, as he was repelled by Pompey's bluff soldierly selfishness. The brief letters of Cæsar to Cicero in these days (like *e. g.*, ad Att. ix. 16 and x. 8 B.), though mere hasty notes scribbled on the march, are marvels of skill and flattery. They even leave a clinging tenderness for the writer in us as we read. Pompey, on the contrary (see, *e. g.*, ad Att., viii. 11, A.), is as gruff and imperative as a German corporal to his green recruit.

From Pompey's camp in Greece we hear little directly, *i. e.*, in Cicero's correspondence. The story has to be pieced out at this point from Plutarch, who says that after Pharsalia Cicero was offered the chief command, but refused, was threatened with death by young Pompey, and rescued by Cato.

What is certain is that, after having deliberated so long before joining the Pompeians, he was the first to hasten back to Italy and to make his submission to Cæsar, after the

one great defeat. He actually had the misery, during many following months, of dreading the final triumph, after all, of Cæsar's enemies, being rightly assured that he would now be the first victim of their vengeance.

Of his position as Cæsar's most illustrious courtier there are vivid glimpses in the well-known orations "Pro Ligario" and "Pro Marcello." They show all the orator's pride of intellect, but their flattery of the dictator reminds us involuntarily of Whittier's bitter lines, entitled "Ichabod," written after what New Englanders used to call Daniel Webster's submission to the slave power in his seventh of March speech:

"From those great eyes
The soul has fled;
When faith is lost, when honor dies,
The man is dead."

He did not act his part so well, however, but that Cæsar himself realized how irksome and hateful it was to the elder, vainer, and more self-conscious Cicero. This second period of humiliation runs from the landing at Brundisium, November 48 B. C. (See ad Att. XI. 5), to the very day of Cæsar's murder, March 15, 44.

The divorce of Terentia was at or about the close of 46. If there were other reasons than her mismanagement of money affairs, we do not know them. He soon after married a rich young ward of his own, and parted with her after a very brief and unhappy married life. It is said that she had expressed something like relief at the death of Tullia, of whose influence she was jealous. This is the least agreeable chapter in Cicero's private life, and we have not evidence enough to adjudge him worthy of more mortification and suffering than he seems to have brought upon himself.

That he was not in the secret of the Ides of March is certain, whatever the reason. His letter to Cassius about ten months later (ad Familiares XII. 4) begins, "I could wish you had invited me to your banquet on the Ides of March. There would have been no remnants"—*i. e.*, "Cæ-

sar's colleague in the consulship and ablest partisan, Mark Antony, would not have been left to plague us as he is doing, if I had planned the assassination." And the ghastly metaphor pleases its author so well that he repeats it, with a rhetorical touch or two added, in the first sentences of a letter about the same time to another one of the conspirators, Gaius Trebonius (*ad Fam. X. 28*): "How I wish you had invited me to that most delightful banquet on the Ides of March. We should have no remnants, whereas now there is so much trouble with them," etc.

Undoubtedly the last of Cicero's years is among the most creditable of them all. Of bravery, at least the cool soldierly sort, I do not see much in his composition. It rarely goes with the scholarly sensitiveness, perhaps, though sensitive and refined men may overcome the dread of violence and death which they cannot but feel deeply. Savonarola's last days appear to illustrate both sides of this truth, though we have his statements upon the rack only in a report hostile to his memory. The courage of Cicero's closing scene seems, however, rather that of the stag at bay. Certainly after his masterpiece—not exactly of oratory, since it was never delivered, but of political pamphleteering—the second Philippic, was issued, in the autumn of 44, he could hardly have had any hope of life unless Antony could be crushed.

It chanced that a fragment from a lost book of Livy survives, in which the historian expresses a characteristically Roman judgment upon Cicero's lack of stoical firmness in disaster: "He bore none of his calamities with becoming spirit, save only his death." As Merivale remarks, the Roman was rare indeed who, like Nero, dallied and shivered in the presence of his inevitable end. Livy, I suppose, was disgusted especially with Cicero's lamentations in banishment. But homesickness is not essentially ignoble, and the wound to his pride also must in those days have bled painfully. Probably letters quite as querulous and unreasonable have been written by many an illustrious exile; but, happily for their writers' fame, they have not been preserved and published.

That weakness, then, we might find it in our hearts to forgive.

His greatest sin I hold to have been the premature desertion of the Pompeians. He had chosen his side. He says he saw much to disapprove in the Pompeian camp; heard such threats of massacre and proscription that he dreaded victory almost more than defeat. But he awaited the issue of the decisive battle. After that, surely only a soldier's duty remained: fidelity to his flag; or, such a Roman as Cato or Brutus might add, a fall upon his own sword. It is only fair to say here, however, that the author of the twentieth chapter in the "*De Senectute*" shared Plato's opinion, and our own, that suicide would have been a still more unpardonable desertion of his post. But that precipitate return to Italy leaves upon Cicero the indelible brand of the deserter and the coward.

The final scene, on December 7, 43 B. C., is too familiar for repetition. Cicero loved Italy and detested exile so deeply that imminent death itself could not fix his determination upon flight. His last act was to forbid his slaves and attendants from flinging away their own lives in the vain attempt to save his.

It is curious that we cannot help taking a side, with some warmth of personal feeling, while we study the successive acts of this wonderfully crowded and varied life. This is due, perhaps, to the complete self-expression of the man. That self-utterance is found above all in his private letters, but also in his philosophical works, his rhetorical dialogues, and in some degree, of course, even in his orations, full as they are of posing and phrasing. We seem to know Cicero as each of us knows himself. He becomes at last to us the type of human nature, so that his cowardice or hesitation or selfishness is an injury to us all. Possibly this is the greatest boon from such a life, that still impresses upon remotest ages and races the essential oneness of humanity.

WILLIAM CRANSTON LAWTON.

Adelphi College, Brooklyn, June 4, 1900.

SOREL'S COUNTERBLAST TO THE ASTRÉE: A STUDY OF THE BEGINNINGS OF FRENCH REALISM IN FICTION.

IN the last number of this REVIEW an appreciation was attempted of Urfé's "Astrée" and the beginnings of idealism in French fiction. In this paper I propose to study its much less famous but not less significant or interesting counterpart in the work of Sorel, who has been called, not unjustly, the incarnation for his generation of the Gallic spirit, the broad-minded, healthy, often coarse and vulgar, materialistic, Pantagruelistic, and, where, as in Sorel's case, the times demand it, actively anti-idealistic tendency that one may trace throughout French fiction. To this spirit he gave expression in repeated novels and criticisms, as though he could never satisfy his conscience for the youthful idealistic indiscretion of his "Orphise de Chrysante."¹

Sorel was a Parisian burgher, born about 1599 and dying in 1674, a man, as his friends and his works testify, of unbending independence of character, taciturn, judicious, unpartisan. Though Sorel was still young when the first seven books of "Francion" appeared in 1622, he had already in earlier books announced his purpose and named his hero, who is of course intended to represent the normal young Frenchman of the period. The novel, which in the ordinary edition contains over five hundred closely printed pages, is well worth reading by those who are not disturbed by a certain amount of vulgarity and a great deal of heartlessness. The hero is son of a poor Breton nobleman, brought up in a bitterly satirized Parisian school, the description of which and of the plays represented by the students forms a very interesting and considerable part of the work (Books

¹ "Orphise" was published in 1626, but doubtless belongs to the same pre-"Francion" period as "Floris et Cleonte" and "Philimène et Chrysaure," short stories that had appeared in 1614; for in the preface to "Francion" he says these tales were followed by "Des Affections Fidèles" and other books, "in which his style began to change little by little."

3, 4). School over, Francion remains in Paris, earning or procuring a living by various expedients, which admit a satire of life in the capital and especially of the men of letters and booksellers there. Then the author pays his compliments to the *Précieuses* (Book 6), and then exploits the provinces in comic scenes quite worthy of the malodorous German Eulenspiegel. The scene then shifts to the court, which Francion leaves to pursue an amour with Laurette, with the unfortunate culmination of which the story had opened, and in its first form closed, the whole being constructed on the good old plan to plunge *in medias res*, and let the hero tell "what went before by way of episode," in which he is interrupted only by a second injected episode containing the early life of the rehabilitated but unreformed courtesan, Laurette. The first continuation, that of 1631, opens with an orgiastic feast, over which it will be best to draw a veil. The hero then goes on a love affair to Italy, falls a victim to intrigue there, and is obliged for a time to turn shepherd, of course for the purpose of satirizing the pastoral fiction in general and "Astrée" in particular. The last three books, including the twelfth, added in 1641, and closing with the marriage of the now sobered Francion, are filled with various Italian adventures, and seem to me to betray a certain weariness, or at least less tendency to satire.

The immediate success of "Francion" was certainly as great, probably greater, than that of "Astrée," though to read the modern literary historians one would hardly suspect it. More than sixty editions appeared in France during the author's lifetime, and it was translated into at least three foreign tongues. It was the first novel of any length that had held the mirror up to nature in France with an indulgent humor and with an ostensible moral purpose, which, however, as in the case of the similar pretensions of the Spaniards, must not be taken too seriously. Indeed, more than once the moralities with which certain episodes close have in them more of irony than of ethics. Perhaps we shall best do justice to this side of his work in his own words: "Speaking soberly," he says, "there is in it nothing but the

naïve descriptions of the vices of some men and of all their faults, to make them ridiculous and hateful, or of the tricks of others to teach us to guard ourselves from them; so if any scrupulous persons of the time find anything to object to, they should consider that this was not written for those who choose to live in a religious retreat, and who have no need to know these things, but that it was written for those who must dwell in the world and so need to know what is done there, so that they may sharpen their wits." Even in the quite outrageous eighth book, which he ingenuously advises girls and boys who have still their virginal purity to skip, he claims that he is quite powerless to avoid giving offense, because "the story would be incomplete without this, for with satiric books like this, just as it is with men, they become subjects of hate and contempt if ever they are—Bowdlerized."

About Sorel's ethical purposes we may reasonably continue to doubt. As Shakespeare might say, he doth protest too much. On the other hand, there can be no doubt whatever of his anxious avoidance of any suggestion of animadversion against the teaching of the clergy or of the Church. Even in the worst orgy the Trimalchio of the feast interrupts a guest who begins a drunken jest about a curate, with the request that he would avoid that subject, which, Sorel adds, "all the company found very right, seeing that people had already told so much about them that one could not tell anything new. So they determined not even to remember that there were any clergy in the world; and," continues the smug author, after some comment on Boccaccio, Erasmus, Rabelais, and Margaret, whom he accuses and excuses, "you will not find that I have said anything ill of priests in all this story," and that is almost literally true. The subject was either worn out or the Catholic reaction had made it seem more dangerous.

Toward morals and the Church Sorel's attitude was negative. His purpose is, first of all, to write an entertaining novel, and incidentally to satirize all the prominent social conditions (except the clergy), but especially men of letters, the æsthetes and the pedagogues. It is by no means difficult

to recognize a number of his characters among his Parisian contemporaries. It is obvious that Hortensius is meant for Balzac. Racan, Bois-Robert, and many others, are almost as plainly designated, but who may be intended by Dame Luce, first of *Précieuses* to make her appearance in satiric literature, I do not know, though the character seems too clearly drawn not to have had an original.

It is in this general picture of society, and in the actuality given to the story by its taking direct issue with a popular taste, that its claim lies to be the first French novel of manners; for, as Körting justly says, Rabelais, Margaret, and Lasalle had given a series of pictures, but Sorel gave us *a* picture. They had inclined to exaggerated caricature; he had aimed always at a faithful realism, being sure, as he said in the preface to "*Francion*," "that one never writes better than when one follows nature and one's genius," or, as he says further at the opening of the tenth book, in a longer passage that may serve also as an example of his satire:

Isn't it true that this comic and satiric style is a very nice, useful thing? In it all things appear in their simplicity, all actions without dissimulation; while in serious books (*i. e.*, the "*Astrée*" and its genus) there are certain considerations that prevent this sort of speaking, and this makes these stories imperfect and filled rather with lying than truth. And then, if one is interested in the language as really one ought to be, how can one observe it better than here? I think that in this book one can find the whole French language, and that I have not forgotten the words that the common people use, which you do not find everywhere; for in works that are too scrupulous one has not the liberty to take pleasure in them, and yet these low things are often more agreeable than the loftier. What is more, I have represented as naïvely as I could all the moods and actions of the persons whom I have introduced. . . . To be sure, I have received various advice from some people, who say that they know what is good. Some did not like one thing, some another, so that there is nothing in my book that has not been praised or blamed. How would it be possible to please everybody? For if a man of letters who has been at college likes to read of student pranks, a country squire, brought up among his dogs and horses, will take no pleasure in that, and will seek what suits his mood and position. If a man of amorous inclination delights to see a multitude of intrigues and ruses practiced by those in love, another, who cares only for wars and combats, or perhaps for pompous and serious conversation, will think all that frivolous. But let us not bother ourselves with other people's whimseys. Let us take our pleasure where we find it. And here our story begins again.

It happens to begin, by the way, with quite a characteristic passage which may serve to bring this account of Sorel's first and most famous, though perhaps not his best, novel to a close: Francion, having become per force a shepherd, is in love with a merchant's daughter, Joconde. The merchant employs him in garden work, where he finds her reading a book, and tries to scrape acquaintance by asking what she is reading. She is surprised. "You shepherds," she says, "think there is no other book in the world but a book of hours." He, however, assures her that there are hardly any good books that he has not read.

Well, then [said she], to satisfy your request I will tell you that this is a book that treats of the loves of shepherds and shepherdesses. Have you ever seen anything like that?

Yes [said Francion], I assure you that it is very agreeable to read them, especially for those who are in the country as you are, and can so easily know by experience the pleasures that are represented to you in their talk.

O how mistaken you are to think that [said she]! For if curiosity did not urge me to see the end of the adventures that are written here, I should never have the courage to finish it, for I take great delight in probability, and I can find none in a single story of a book like this. A pretty pretense: shepherds here act the philosopher and make love like the most gallant society man. What's the use of all this? Why does not the author make these people well-fed gentlemen? In that position, if he made them perform miracles of prudence and rhetoric, one would not be taken aback as at a prodigy. History, true or feigned, should represent things as near to nature as possible. Otherwise it is a fable fit only to amuse children by the fireside, not ripened minds whose quickness penetrates everywhere. It's really pretty to see the order of the world turned upside down here. For my part, I should like to see them write a book of the loves of gentlemen, and let them talk in the language of peasants and make village jests. The thing would not be queerer than this which is its counterpart.

Here at the outset of his long career Sorel had shown himself capable of writing in a lively style, which may perhaps best be described by saying that it was everything that Mr. Saintsbury in his "Short History of French Literature" says that it was not, and not anything that he says it was. Five years later, in 1627, he continued his protest, and some may think bettered his own instruction, in "*Le Berger Extravagant*," a novel somewhat longer than "*Francion*," for in the original edition it counts 1557 as against the latter's 962 pages. As the title suggests, it mocks

the pastoral extravagances of the admirers of "Astrée" in a narrative that resembles in its essentials the "Don Quixote" of Cervantes, though Sorel denies borrowing, and indeed regards his own work with complacency as the superior. In this he is of course wrong, for indeed his satire is as extravagant as his shepherd. He calls it "a book that mocks other books, so that it is, as it were, the grave of novels and of the absurdities of poetry." His attack is directed against all idealistic fiction and poetry, and against the diversion from the practical aims of life that such reading had produced among his contemporaries. The barest outline of the story will show its general relation to "Don Quixote." Louis, the son of a silk merchant of Paris, has changed his name to Lysis, and taken to tending sheep at Saint Cloud. Here Adrian, Lysis's guardian, and Anselm, a sane young Parisian, find him in love with Charite, the maid of Anselm's beloved. The misadventure of Lysis in his attempt to imitate the shepherds of Montemayor and Urfé furnishes a subject of somewhat heartless laughter, which marks the moral inferiority of Sorel to Cervantes. Quite delicious, however, is a scene of the second book, where Anselm paints a picture of Charite that attracted the attention of the illustrator of the edition of 1639, where we may see her as Lysis had described her, her cheeks bedewed with intertwined roses and lilies, eyes radiating sunbeams, her bosom two literal hemispheres, her face as white as snow, her lips two branches of coral, eyebrows black as ebony and curved like bows, a forehead smooth as ice with a Cupid seated there on a throne, and last, but not least, hair that seemed sometimes golden chains and sometimes net and snares, or even fishing lines with real hooks to which hearts hung swinging. The episodes parody various forms of idealistic fiction, though at least one, that of the real shepherd Carmelin, in the eighth book, is crassly naturalistic; and another, that of Lysis, in the twelfth, is an unworthy attempt to ridicule the Divine Comedy. Perhaps the best bit of narrative in the whole, and certainly the best bit of character painting, is in the opening of the eleventh book; but much the most

interesting is the thirteenth, which is a discussion on the worth and nature of literary creative imagination, especially in the field of fiction. The discussion, however, is practically a monologue of Clarimond, mouthpiece of Sorel, who runs amuck in the epic prose and poetry of all ages. The Iliad, he says, distorts truth, lacks unity, and weakens interest by the frequent introduction of the gods, the Odyssey is the tale of a beggarly adventurer, Virgil is nearly as bad as Homer, and Ovid simply absurd. Ariosto and Tasso fare but little better at the hands of this iconoclast. Ronsard he regards, in spite of Malherbe, as the "best and most famous poet of France," but even his genius cannot save his imitations of the classics from sharing the faults of their models. Passing then to prose, he finds the Greek "Erotika" clumsy, and thinks the greatest error of Longus to be that he provoked so much incompetent imitation. Coming down the ages he finds Sidney's "Arcadia" ill-ordered, and criticises nearly all the prominent French novels, going out of his way to pay a graceful compliment to the charm of the personal character of Urfé, and treating his work with noteworthy mildness when we consider that the "Berger Extravagant" is obviously intended for its parody.

That no one might mistake the purport of his satire, Sorel himself furnished his book with a body of "remarques," or notes, which, as Körting observes, show "his thorough knowledge, astonishingly wide reading, his quick and keen though often squinting judgment, his wit and humor, his downright sense, and his unswerving courage," for one must not forget that he attacked men of influence and station, and in fact efforts were made to bring the author to trial and to suppress his novel as a scandal. Indeed, the central interest of the "Berger Extravagant" is not in the story, though this is often well told, but wholly in the satire. As a work of imagination "Francion" is better; as a literary document the "Berger" the more valuable. It is interesting, too, as the first foreign imitation of "Don Quixote," and the form through which "Don Quixote" found an entrance into German literature.

That Sorel contributed essentially to prevent the perversion of the middle class by false and distorted literary ideals, that by his own boldness he gave heart to others and prepared a public for the classical comedy, gives him a title to more generous recognition than has usually been accorded to "Francion" and the "Berger Extravagant." Gradually, through efforts such as his, the distinction between the ideal and real in fiction, and the justification of each, became clear. A sort of tolerant truce succeeded to the satire of the realists. Sorel himself, like the other novelists of the 1640's, lets his stories speak for themselves, and ceases to mingle directly criticism and fiction.

The struggle between realism and idealism in fiction was not to be settled in that generation, or in any other. It lay in the nature of things, and Sorel's temperament led him to renew it twenty-one years later with renewed vigor in "Polyandre," which to me shows him in his most favorable light as a critical novelist. He was now in the years that bring the philosophic mind. He is more disposed to positive creation than to negative criticism. He sees life more steadily than in "Francion," more completely too. He will teach by example rather than warn by precept. And because of this very directness it is a more complete literary manifesto of Sorel and of the fundamental tenets of realism in fiction than either "Francion" or the "Berger Extravagant." In his advertisement to the reader he defines his hero, Polyandre, as "one subtle and refined, who, turning to his profit all things, or at least many, establishes surely his fortune." In other words, he is a man who knows how to take the world as he finds it and to make the best of it. That he gives his hero a Greek name he alleges is merely to disguise the facts, which are of recent notoriety. Save for this detail he promises to tell "a true comic tale," that shall be a naïve picture of all the diverse humors of men, with sharp censure on the greater part of their faults." He selects more especially for his satire the braggart, the varnished courtier, the petty poet, the foolish lover, the lying philosopher, and the swindling alchemist, whom he proposes to paint from life,

though he regards the task as so difficult that it "has till now turned French authors from composing books like this, so that we hardly have two of such a kind that are original to France [namely, as Körting suggests, 'Francion' and the 'Berger'], for the rest are translations of Spanish books," an interesting recognition of the chief source of French realism. On the other hand, he is appalled by the "ten thousand volumes" of idealistic romance that are eagerly devoured; but he knows that, besides the readers of these, "there are other people who would rather see little Parisian adventures or promenades, such as may happen to themselves or to people of their acquaintance, because that seems to them more natural and more credible." And such a novel he proposes to write.

The hero is a Parisian, and scenes of Paris life are its subject. The plot is unimportant, and the story is but little harmed by being unfinished. It is indeed rather a series of sketches than a connected whole; but nowhere in this century, except in Furetière's later "Roman Bourgeois," shall we find such a vivid and good-humored treatment of the life of the middle and lower classes in the *grand siècle*. It thus forms a most worthy and valuable counterpart to the picture of the aristocracy involved in Madeleine de Scudéry's "Cyrus" and "Clélie." Even the language and style smack of the street and the shop, as the following description of a ball given by a well-to-do citizen may testify better than any analytic description:

The house where they were having the ball belonged to a business man—that is to say, a man of money, and "in the swim," as they say nowadays—who, having recently married and seeing himself well off, wished that his good fortune should appear to all, not thinking that he was perfectly happy unless other people knew it. One must suppose that he wished, first of all, that his wealth should be known by his magnificence, and people added besides that, having married a very fair woman, he was in the humor that he wanted people to see her, glorying in possessing her after she had refused many others. His parlor was covered with the most exquisite tapestry, and he had glass chandeliers fastened close together to the ceiling, which by their sparkling reflection redoubled the brightness of the lights they bore. There were twelve violinists, the best in Paris, mounted on a little stage which they had put in a corner of the room. Many chairs and stools were placed all around. The dames and damosels of the best quality were

seated in the first rank. And there were some women who for beauty and youth rivaled their daughters. They formed more than a semicircle, which left space to dance, and behind were the older ladies, who by their dress and studied countenance showed that they still pretended to good looks, and did not take themselves for rubbish yet. Some men were seated irregularly among them, and toward the door there was a great crowd of them standing. The most gallant, among whom was Neophile, refusing chairs, though they were of rank, spread their cloaks on the ground and went to recline at the feet of the fair ladies, where they thought themselves too much honored, and now some, now others [of the men], were taken out to dance.

The arrival of some unexpected people in this contracted space raised a great noise. They were men wearing swords, who went everywhere without being asked, and troubled the tranquility and pleasure of the assembly. They took great liberties, and spoke so loud that they became importunate. They imagined that all there was beneath them, since it was only an assembly of city people, and because the young ladies whom they addressed showed to them less consideration than to some young people of their acquaintance they determined to avenge themselves and to mock their rivals, especially one named Berynte, who danced often and swaggered (*faisait l'étendu*) too much for their taste. At the second dance that he led Lapanthe, one of these bold fellows, took a place and followed him as though he had been his shadow. . . . Berynte tried to take it as a joke, and to let him see that he did not care for that; but it did tire him, and some girls were ashamed to dance with him, fearing that they would be laughed at. . . . But he (*i. e.*, Lapanthe) did not notice a broken tile that was under his feet, and that somebody had perhaps slipped there on purpose; so he made a long slide, and would have fallen flat had he not held himself up by a chair arm. Many kept from bursting out laughing, so as not to irritate his brutality. . . . He, however, began to assail Berynte with insults and calumnies, and created other scandal, while the dance continued, for they thought it shameful to stop because of swordsmen. . . . What displeased most was that two or three of the girls, having asked them to dance so as to see if they knew how, some had danced with ridiculous postures and others had refused outright. . . . There was one so presumptuous that when a lawyer's daughter asked him to dance with her he said in a disdainful tone: "I think, my good miss, that you can't know that I am Calidon. I've never danced except at the Louvre balls. Do you take me for some secretary or auditor? What can disguise me so?" Then, after more chaffing of the same type, he comes at last to blows with another *gens d'épée* whom he took for a bourgeois. So both were ejected; but they fought in the street, and he was mortally wounded. But [continues Sorel] most of those who had been at the ball were hardly more moved at his death than at his wounds, it being an ordinary thing in Paris to hear talk of duels, encounters, and murders. No one of them had meddled with the quarrel, and besides, the fight was outside, so that the ball continued none the less for some time.

This extract, though much condensed, will perhaps show

the sort of light "Polyandre" throws on the early years of Louis, or, if you will, the age of Corneille. Wealth has not yet brought refinement. The rich citizens are plebeian, the young aristocracy are brawlers. What need there was, and would be for generations to come, of the refining influences that emanated from the Hôtel de Rambouillet and the salons of Maintenon, Lafayette, and Scudéry, for all of their faults and foibles! Where else was France to look for refinement? Was it at the theaters? Read the plays, and consider. Or was it perhaps at the court? We have still the memories of Saint-Simon to answer that question. If Sorel had no other claim to our notice than that his work justified much and excused more of the aims of the gentle Madeleine and her friends, "Polyandre" would well deserve the attention of those who are not content to be witty, but desire to be just.

B. W. WELLS.

THE CANADIAN MOUNTED POLICE.

ALTHOUGH it is now more than seventy years since Sir Robert Peel's ministry introduced into London that force of *gens d'armes* whose organization has since been copied by every other municipality of the civilized world, it is astonishing how few rural districts, especially in the United States, have adopted this effective method of protecting life and property. In the South particularly, where local conditions would dispose one to expect to find an extra number of safeguards thrown around the helpless and defenseless residing in sparsely settled regions of the country, there is rarely any sort of protection whatever. As a consequence, an increase of crime is perceptible in some parts of this section, particularly crimes of that violent type which so frequently drives a community to madness. That the spread of lynch law may therefore be traced in large measure to the lack of adequate protection in rural communities seems unquestionable; for the brutal acts that so often give rise to mob violence occur, in the vast majority of cases, in the country districts. That this state of things is deplored by all good citizens, and that there is a general awakening of the public conscience on the subject, are facts too well known for extended comment. The conviction is gaining ground, moreover, that the most effective means of repressing mob violence is to put an end to those assaults upon the person that originally gave rise to lynchings. Of course the question is no less a moral than an administrative one; and hence it seems to be pretty generally recognized that our system of public instruction must be so amended as to impart to the youth of both races that kind of education which will best train them to become good citizens in the widest sense of that expression. Many are also beginning to discern that *preventive* measures are far superior to *repressive* ones. Social sanitation is just as necessary as those measures which are taken to ward off disease. Accordingly, there is every reason for believing that lynch law

could be very quickly extirpated by the adoption of a system of mounted police for the country districts, whereby many of those shocking deeds which so often call mobs into existence could be prevented, and a general sense of security cultivated everywhere. At the same time, laws against tramps and vagrants might, with the aid of such a force, be better administered and crime more speedily punished by country police courts, to say nothing of the countless other advantages to be gained from the creation of a system of mounted police.

Of the various systems of rural constabulary one of the best is the mounted police force the Canadian government maintains in the Northwest territory. Many of its features are so admirably suited to the needs of the South in the present day that they are herein set forth, with the earnest hope that it may not be very long before a similar organization will be established wherever needed. For many years life and property in British Columbia were insecure, and settlers naturally shrank from taking up the rich lands of the country. Various temporary expedients were tried, until finally the Canadian Parliament passed "The Mounted Police Act of 1894."¹ This celebrated statute consolidated all prior legislation on the subject, and authorized the Governor General to appoint an officer to be called the Comptroller of the Mounted Police Force, whose office is at Ottawa. The comptroller is intrusted with the supervision and management of the entire system. In this work he is assisted by a staff of officers, including a commissioner, a deputy commissioner, a number of superintendents (who have charge of the several police districts into which the territory is divided), and a corps of inspectors, surgeons, and veterinary surgeons.

The commissioner of police is authorized to appoint as many constables as he may deem necessary (not exceeding in all one thousand men), and to appoint from among them noncommissioned officers of different grades. He may also

¹ 57-58 Victoria, c. 27.

appoint extra constables, scouts, and buglers. Naturally enough, the commissioner does not choose his force at random, but requires every applicant to produce a certificate of good character, and at the same time to prove that he is between eighteen and forty years of age, of sound constitution, and able to read and write either the English or the French language.

A member, on joining the force, is required to take the oath of allegiance, as well as an oath of office, whose nature may be gathered from its form, which is as follows:

I, A. B., solemnly swear that I will faithfully, diligently, and impartially execute and perform the duties required of me as a member of the Northwest Mounted Police Force, and will well and truly obey and perform all lawful orders and instructions which I shall receive as such, without fear, favor, or affection of or toward any person. So help me, God.

Every constable, upon his appointment to the force, signs articles of engagement for a term of service not exceeding five years; but he may be discharged at any time by the commissioner for cause.

The duties of the police force include:

- (a) The preservation of the peace and the prevention of crime.
- (b) The arrest of criminals and others who may be lawfully taken into custody.
- (c) Attendance on magistrates and execution of process.
- (d) The escort and conveyance of prisoners to and from courts and prisons.
- (e) To search for, seize, and destroy intoxicating liquors where their sale is prohibited.

The force is, however, never charged with any duties under municipal by-laws. It is strictly a rural constabulary, and as such it may arrest tramps, vagrants, and other suspicious characters encountered on the highway, and bring them before the police authorities for trial and punishment. The constables are well mounted, and are armed with carbines and revolvers. They are sent out from their barracks in various detachments to inspect and patrol the surrounding country, and on their return report to their superiors all the facts they may have gathered. They also carry mail whenever requested to do so, and cultivate friendly relations with the settlers.

For purposes of administration the territory is divided into several police districts, over each of which there is a superintendent, who corresponds to the captain of a city force. Like the rest of the force, this officer resides at the barracks, where are kept the horses, stock, provisions, artillery, and other property of the police. Very often there are telephone and telegraph wires connecting the barracks with the neighboring communities, and the superintendent holds his men in readiness for any services. Nor is the work of the force, as already intimated, confined to the task of repressing crime. The men devote special attention, for example, to the law against the spread of contagious diseases among cattle, make reports concerning the roads and bridges of the country, examine the condition of crops, distribute seeds to the farmers, and help to check the progress of fires. The barracks are regularly inspected by the health officers, and the horses looked after by the veterinary surgeons. Naturally enough, the more active work is in summer, when members of the force travel thousands of miles. In winter the men usually keep more closely to the barracks, where there are various diversions, including games, lectures, and other forms of recreation. At many quarters there are reading rooms containing magazines and newspapers, and here and there a library. The members of the force are under strictly military discipline, and violations of the police regulations are promptly dealt with. A canteen is usually attached to the barracks, and prizes given for rifle-shooting, cricket matches, billiard tournaments, and the like. The clothing and food are of good quality. The men are regularly drilled, and there is a weekly parade.

The guardroom of the barracks is the common jail of the district. It is in charge of a sergeant, and houses not only prisoners awaiting trial but also those sentenced by the police magistrates. Members of the police force who have violated the regulations of the service are in like manner confined in the guardroom. In some instances civilians appointed to act as justices of the peace are disposed to turn over all cases to the police officers, on the ground that "the

lawyers take exception to every little technicality, and are supported by the 'court.''' Hence there is a tendency in some of the rural districts for the police authorities to assume all magisterial functions, and their promptness in dealing with offenders has won for them general confidence.

Having described the general duties of the force, we may now say a few words in regard to its discipline. Members other than commissioned officers, who are accused of any of the following offenses, lay themselves liable to arrest and trial:

- (a) Disobeying or refusing to obey the lawful command of or striking his superior.
- (b) Oppressive or tyrannical conduct toward his inferior.
- (c) Intoxication, however slight.
- (d) Having intoxicating liquor illegally in his possession, or concealed.
- (e) Directly or indirectly receiving any gratuity, without the commissioner's sanction, or any bribe.
- (f) Wearing any party emblem.
- (g) Otherwise manifesting political partisanship.
- (h) Overholding any complaint.
- (i) Mutinous or insubordinate conduct.
- (j) Unduly overholding any allowances or any other public money intrusted to him.
- (k) Misapplying or improperly withholding any money or goods levied under any warrant or taken from any prisoner.
- (l) Divulging any matter or thing which it is his duty to keep secret.
- (m) Making any anonymous complaint to the government or the commissioner.
- (n) Communicating, without the commissioner's authority, either directly or indirectly, to the public press, any matter or thing touching the force.
- (o) Willfully, or through negligence or connivance, allowing any prisoner to escape.
- (p) Using any cruel, harsh, or unnecessary violence toward any prisoner or other person.
- (q) Leaving any post on which he has been placed as sentry or on other duty.
- (r) Deserting or absenting himself from his duties or quarters without leave.
- (s) Scandalous or infamous behavior.
- (t) Disgraceful, profane, or grossly immoral conduct.
- (u) Violating any standing order, rule, or regulation, or any order, rule, or regulation hereafter made.
- (v) Any disorder or neglect to the prejudice of morality or discipline, although not specified in this act or in any rule or regulation.

All pecuniary penalties form a fund which is applied to

the payment of rewards for good conduct or meritorious services, to the establishment of libraries and recreation rooms, and to such other objects for the benefit of the force as may be approved of. Offenses by the commissioned officers are tried by the commissioner in a summary way, and he is authorized to compel the attendance of witnesses.

Members of the force who are dismissed or discharged from the service are required to surrender all clothing, arms, accouterments, horses, and other things used by the police; while desertion, absence without leave, refusal to do duty, and fraudulently obtaining admission to the force are punishable offenses. The Governor in council is further authorized to enter into arrangements with the authorities of any province of Canada for the use or employment of the force, and may agree upon the amount of money to be paid for such services. He also establishes the precedence and rank in the force of the several commissioned officers; regulates and prescribes the clothing, arms, training, and discipline of the men, and selects the places at or near which members of the force are to be stationed.

Following is the compensation received by the police:

Commissioner, per annum.....	\$2,600 00
Assistant commissioner, per annum.....	1,600 00
Each superintendent, per annum.....	1,400 00
Each inspector, per annum.....	1,000 00
Each surgeon, per annum.....	1,400 00
Each staff sergeant, per diem.....	2 00
Each constable, per diem.....	75
Each bugler.....	40

Frequent patrols are kept moving all over the country, and at least one commissioner reports that "the solution of the Indian problem, in my opinion, is to find them work at fair wages, with prompt pay."¹ The growing inclination on the part of this race to make money seems to have the effect of rendering them more law-abiding, and in many districts the able-bodied men are hard at work. The Indians are also

¹ Report of the Commissioner, 1896, page 2.

buying wagons and machinery, while the industrial schools are having a civilizing influence.¹

It will thus be seen that the duties of the mounted police are varied, and naturally responsibilities are often thrust upon them in unorganized districts, which in the normal course of events they would not think of assuming. Nevertheless their influence is usually good; and whether acting as sanitary inspectors where persons are ignorant of the laws of health, or settling small disputes between employer and employed, or listening to complaints regarding food, or extending medical aid to those who need it, or writing and reading letters for the ignorant, or securing employment for those anxious to work, or performing any other social service—they are looked up to and trusted. And however widely they may sometimes depart from their ordinary duties, they always have in mind their primary object, which is to maintain the peace.

Throughout the various police districts there are a number of outposts where members of the force are stationed, and it is astonishing what a wholesome influence is exerted on the rougher elements of a district by the presence of even a single constable. In him they see the majesty of the law, whilst peaceable citizens breathe easier by reason of his proximity.

Finally, not the least of the many advantages of the mounted police is the magisterial jurisdiction conferred on superintendents and inspectors. Their prompt execution of the law has been mentioned already, but it is difficult to convey any adequate idea of the good results flowing from the swift administration of the law, especially in the country districts. And perhaps an even greater element of strength on the part of the members of the mounted police force is the fact that they are unbiased by party, social, or religious considerations, and are therefore entirely impersonal.

B. J. RAMAGE.

¹ Report of the Commissioner, 1898, pp. 3, 4.

VERGIL AS A MAGICIAN.

THOSE who read Vergil may not all be acquainted with the reputation which he bears as a magician in the literature of the Middle Ages. Yet to this famous Roman poet, as to the Greek philosopher Aristotle, mediæval authors attributed the practice of necromancy; and many amusing stories are recorded of these classic writers in regard to the way they figured in the rôle of magician. Some of these stories represent Vergil—for it is he of whom I wish here to speak—in a light entirely different from that in which most students of the Mantuan bard are accustomed to view him. These unauthentic legends are found, for the most part, in the mediæval metrical romances; and it is to a few of these numerous legends that I here wish to draw popular attention.

These legends have grown up in part out of the circumstances of Vergil's life. I therefore give a very meager sketch of the poet's life, that the reader may more readily see how such legends developed. Vergil, like most of the authors who enriched Rome's literature and made it live through succeeding generations, was not born in the Eternal City. Andes, near Mantua, a little town in Northern Italy, was the place of his birth, and the time was the 15th of October, 70 B.C. His father, a man of Celtic descent and of obscure social position, had the good sense to give young Vergil a liberal education, and so sent him to Milan and subsequently to Rome to pursue his studies. But his residence in the great metropolis, no matter how prolonged, was not sufficient to rid Vergil of a certain appearance of rusticity, which he acquired when a boy keeping bees on his father's farm. Perhaps it is this very circumstance of his early life that imparts to his poetry that woodland odor and freshness so agreeable to the appreciative reader.

When the fate of the republic was sealed by the issue at Philippi, Vergil, as well as Horace, was among those who were deprived of their estates in order to make room for

Octavius's victorious veterans. Northern Italy was shown little favor by the victors because that province, in order to be loyal to the republic, had been compelled to be disloyal to the ruler. Vergil's little patrimony was therefore confiscated. The story goes that Vergil, resisting the veteran who had come to take possession of his patrimony, came near being struck down on the spot, and only succeeded in escaping with his life by hastily swimming the Mincio. His patrimony confiscated, the tall, slender young man, of frail constitution and shrinking disposition, made his way to Rome to appeal to the emperor for the restitution of his small estate. The suppliant poet soon found himself converted into a complacent courtier; and through the generous patronage of Mæcenas he was presented with a magnificent villa on a height overlooking the beautiful city and bay of Naples—that city the beauty of which is but adequately expressed by the saying, now proverbial: "See Naples, and die!" So, surrounded by the charming Neapolitan scenery, and enjoying the rich favor of the court, the poet lived and sang of "Arms and the Man," to the great delight of his own and succeeding ages. Here also, in accordance with his own request, his ashes were buried in September, 19 B.C. Vergil had undertaken, in the summer of that year, what was intended to be a prolonged visit to the East for the purpose of studying philosophy and of putting the finishing touches upon his *magnum opus*, the *Æneid*. He had advanced as far as Athens when he met the emperor, who, returning from an Oriental campaign, persuaded Vergil to accompany him to Italy. The poet consented, and began the voyage across the Adriatic, but died on landing at Brindisi.

"His tomb," to quote one who has made a study of Vergil's influence during the Middle Ages, "soon became a shrine, where poet and peasant, philosopher and fisherman, alike repaired to pay a tribute of veneration to departed genius and love of humanity. It still stands on the sunny slope, half hidden in a tangle of vines and cactus, and though modern antiquarians, in their skepticism, would throw doubt on its authenticity, they cannot despoil it of its

interest. It is a small, square, vaulted chamber, unmistakably a Roman columbarium, containing ten niches for urns. The urn which held the ashes of Vergil was of marble, supported by nine small pillars, and stood alone, opposite the entrance. It bore this inscription:

"Mantua me genuit, Calabria me rapuit, tenet nunc
Parthenope; cecini pascua, rura, duces."

The urn has long since disappeared, but a modern stone bearing the same inscription has been placed where it stood. In 1226 the tomb was in a good state of preservation, when Petrarch, as he tells us in his "Itinerary," was taken to see it by King Robert of Sicily, and here he planted a laurel in memory of the great Latin poet. This laurel is said to have existed till the last century, when it was gradually destroyed by reckless curiosity-hunters. In 1544 the following inscription, which is still to be seen, was placed in the adjoining wall of the vineyard:

"Qui cineres? tumuli haec vestigia? Conditur olim
Ille hic qui cecinit pascua, rura, duces."

I have already called attention elsewhere to the high esteem in which Vergil was held by the Church Fathers. I have shown also how his famous Fourth Eclogue won for him the reputation of a prophet, who foretold the coming of the Saviour, and how this traditional interpretation lingered in literature till Pope's "Messiah," which he called a sacred eclogue written in imitation of Vergil's "Pollio." There is a beautiful legend that when St. Paul landed at Puteoli, on his way to Rome, he turned aside from his journey to visit the tomb of the heathen poet who in ignorance had prophesied the advent of Christ; and as he stood by the tomb he lamented the fact that he had not lived earlier to offer the poet the gospel of the Saviour whom he had so dimly foreseen and foretold. "What a man I should have made of thee, O Vergil," said the great apostle to the Gentiles, "had I only met thee in thy lifetime!" During the Middle Ages, when the mass of St. Paul's day was celebrated at Mantua, a hymn was always sung which embodies this legend.

It was during the misty mediæval period of the world's history that Vergil's reputation as a mighty magician gained currency and acceptance, and he therefore became known as one who had

Learned the art that none may name
In Padua far beyond the sea.

In some of the metrical romances, from having been exalted to the rank of a saint he is degraded to the level of a mere wizard.

In the fifteenth century Hemmerlin related how a devil made Vergil the happy possessor of the magical book of Solomon, on the condition of his releasing him from a bottle in which he was stopped up. Vergil was astonished at the gigantic size of the devil that came out of the bottle; and, thinking it unwise for such a monster to be at large, he cunningly said to the devil by way of challenging him: "Surely you could not reduce yourself to the size of that bottle again?" The devil thereupon accepted the bantering challenge, and gradually diminished his proportions till he had returned into the bottle, when Vergil immediately clapped the cork into its place, and the devil was imprisoned forever. Vergil, however, got possession of the book of magic, and thus made himself master of the black art. This story, the reader will observe, bears a striking resemblance to that of the fisherman and the jinn in the "Arabian Nights." The belief that Vergil was in league with devils, like the Faust legend, was very widespread throughout Europe, and long lingered as a literary tradition.

Another interesting story representing Vergil as the savior of Rome is found in the "Seven Wise Masters." According to this legend, in the reign of Octavius, who was inordinately fond of gold, the Romans conquered all their neighboring nations and oppressed them grievously, so much so that they determined to enter into a defensive alliance against the Romans for their common preservation. To offset the effect of this alliance Vergil contrived a tower in which there were as many images as there were kingdoms in the world, and in the head of each image he placed a bell, so that if any king-

dom undertook to rebel against Rome the image of that kingdom would ring his bell, and the Romans, thus warned, would prepare to attack the revolting nation and force it into submission before the other powers of the alliance could be aroused. At length three kings, whom the Romans had oppressed beyond endurance, consulted how to avenge themselves, and resolved that the tower should be attacked. Three wise men thereupon engaged to destroy the tower, and with three pots filled with gold they started for Rome. The three vessels of gold they buried in the ground—one outside the city, and the remaining two within the walls in different places. Then they approached the King Octavius, and as magicians informed him that the city abounded in hidden treasure, and that they had come to discover it for him and give him all they found. Accordingly they set to work and found the treasures they had hidden, one after the other in order. They then informed the king that, according to a dream they had had, a treasure greater than any they had yet discovered lay hidden under the very foundation of the tower in the castle. At this announcement Octavius was startled, for he knew that the safety of his empire depended upon the maintenance of the images in the tower. When, however, they assured him that they could dig under the tower without in the least impairing its strength, Octavius, such was his greed for gold, assented. They were therefore let into the tower, and in the night undermined the foundations so that by the time they got out of the city the tower fell with a mighty crash. Thus was destroyed the palladium of Rome, and her enemies soon came and overran the city and carried away Octavius himself, who afterwards became a schoolmaster and taught in the island of Merlin.

Quite an amusing story is told of Vergil as a lover. He is represented as in love with the emperor's daughter, who did not return his ardent passion. Wishing, however, to punish him severely for his presumption, she proposed to introduce him secretly into her apartments by lifting him by a rope through the window under cover of darkness. At the appointed hour Vergil placed himself in the basket, and the

princess and her maids drew him up till the basket was half-way up, when they left him hanging in the air. Despite his prayers and protestations he was left suspended there till day, when his identity was revealed, and the emperor ordered him to be taken down and beheaded. But on reaching the ground he immediately effected his escape by his magical arts. In order to avenge himself for such cruel treatment, as soon as he was a safe distance from the city he worked a spell by which all the fires in Rome were extinguished, and they could not be lighted again except by the shameful public exposure of the emperor's daughter. This legend, like the others related, does injustice to the bachelor poet: he had too lofty a regard for woman, to judge from his portrayal of Dido, to subject her to public shame and exposure, even though he did say, "A thing of whims and fancies is woman ever," *varium et mutabile semper femina*.

Several of the Vergilian legends, as might be expected, are connected with Naples and its vicinity. His name is preserved in the Grotto of Vergil, which is the oldest tunnel that pierces the hill of Posilippo. The local tradition in regard to the origin of this tunnel is that Vergil, in order to shorten the journey of the Italian peasants from the Phlegraen Fields to Naples—a philanthropic purpose—by magic built this tunnel in one night. In the vicinity of Naples the sailors still point out the Rocks of Vergil. In one of the public squares of the city, several centuries ago, there used to stand a colossal bronze horse, which tradition asserted was erected by the magic hand of the poet and endowed with healing powers for all equine maladies. Its talismanic efficacy was at last destroyed by the workmen to whom the task of repairing the statue had been intrusted. Prompted by sheer curiosity to know what could be hidden in the horse to impart to it such wonderful power, the workmen opened the statue, and thus, so the story goes, the colossal bronze horse was deprived of all its virtue. In 1322 the Archbishop of Naples ordered the bronze to be melted down and cast into a bell for the local cathedral. The head, however, was preserved, and may now be seen in the Museum of Naples.

Conrad of Querfurt, on his visit to Naples for the dire purpose of reducing its fortifications, gathered a number of Vergilian legends, among which he mentions the story of the colossal horse. "It was a notable fatality," wrote he, "that we should have been sent to destroy those walls which had been raised by the chant of philosophers. Another strange thing was that the model of the city, inclosed by the magic art of Vergil in a slender-necked bottle of glass, was of no efficacy in saving the city from capture and pillage. For we have obtained possession not only of the bottle and its contents, but also of the city; and we have razed the walls in accordance with the imperial mandate, without the talisman. However, it may be that an almost imperceptible crack which we found in the glass was sufficient to destroy its magical virtue and make it an injury to the city." *

Gervase of Tilbury, who in company with Philip, son of the Duke of Salisbury, visited Naples in the year 1190, tells of the good fortune which he encountered on arriving in the city. They had come from Salerno in the hope of securing a ship to take them to the siege of Acre, and immediately on arriving got a ship for the desired purpose and at the price they named. They related to Archdeacon Pinatelli, whom they called on, their success in accomplishing their mission without trouble or delay. "Ah," said he, "by which gate did you enter the city?" When told by the "Porta Nolana," the archdeacon replied: "Just as I had supposed. Now," he added, "in order that you may see what wonders Vergil wrought for our city, I beg you to follow me, that I may show you a memorial of him." They thereupon accompanied the kind archdeacon to the "Porta Nolana;" and there he pointed out to his visitors two heads in marble—the one sad, the other joyous—which stood the one on the right and the other on the left side of the gate. Pinatelli then explained that those who entered the city by the left, where the sad figure stood, always had bad luck; whereas those who entered, as Gervase and his companion had

*Tunison on Master Vergil.

done, by the right, where the mirthful head stood, invariably had good luck. Such, adds Gervase, was the reason for his noteworthy success.

Gervase and Conrad both describe the famous healing springs at Pozzuoli, and attribute their wonderful efficacy to the magical skill of Vergil, who is said to have imparted to the waters their curative power for the benefit of the people. Over each fountain Vergil placed an inscription stating the names of the maladies for which its waters were a specific. There is a tradition that the physicians of the famous school of Salerno, finding that their fees were greatly diminished by reason of the far-reaching fame of these springs, crossed over to Naples, and under cover of darkness completely defaced the inscriptions, so that the people could not know what diseases the waters of each particular spring were good for. On their return from the accomplishment of their nefarious plan Providence, the chronicler relates with evident complacency, punished the wicked Salernian doctors by shipwrecking them in the bay and permitting only one to escape to tell the tale.

When Vergil the enchanter had begun to grow old, he determined to renew his youth. He took with him, so the legend runs, his trusted servant to a castle outside of the town. Here he commanded his servant to cut him in pieces, salt his remains, put them in a barrel under a lamp, and keep this lamp burning for nine days, when the rejuvenation was to take place and he was to come forth from the barrel a vigorous youth. The servant executed the order faithfully, though he was devotedly attached to his master. But on the seventh day the emperor missed the poet, and compelled the servant, under penalty of death, to disclose the secret of his master's whereabouts. Thereupon the servant reluctantly conducted the emperor into the cellar of the castle, where lay the body of Vergil, cut up and salted in a barrel, and a lamp burning above it. Filled with indignation at what he conceived to be nothing but foul murder, the emperor drew his sword and felled the faithful servant to the ground. On looking into the barrel the emperor beheld the body of a

young child, which exclaimed, "Cursed be the time that you ever came here," and then vanished. Thus the spell was broken, and Vergil never again returned to life.

These are but a few of the numerous legends which crystallized around Vergil's name during the dark ages; and it requires no very vivid imagination to see how in those credulous times the circumstances of the poet's life would naturally lend themselves to the growth of such legends.

EDWIN W. BOWEN.

Randolph-Macon College, Va.

THE NOVEL IN RECENT CRITICISM.¹

TWENTY years ago any suggestion of the treatment of the novel as a distinct and serious literary form would have been regarded by the majority of readers as out of the question, if indeed not a trifle absurd. To be sure, most of the novels which we now call great were written before that time; men and women had put their best thought and life experience into prose fiction, but "the novel," as generally spoken of, included in a prominent place too many of the class of Mrs. Southworth's, the Duchess's, and Ouida's lucubrations to win critical attention. Books of this latter class, in an ever cheapening and degenerating style of binding, are with us still, while publications scarcely more worthy find a ready sale each year, yet we now frankly admit the importance of the novel as a serious means of expression. It is not only in the breadth of its appeal, but also in the worth of its content, that the novel holds the foremost place in modern literature.

The thoroughgoing student of the question, who uses all of the German university theses on the Greek tale of wondrous adventure, the mediæval *roman*, and the Italian pastoral as displayed in Sannazaro's "Arcadia," will be able to trace, in a way satisfactory to himself at least, the novel's growth from a mere mustard seed of a beginning. Yet, with this long run in preparation for its starting jump, by the time

¹"The English Novel: Being a Short Sketch of Its History from the Earliest Times to the Appearance of 'Waverley.'" By Walter Raleigh, Professor of Modern Literature at University College, Liverpool. New York: Charles Scribner's Sons. 1894.

"A Century of French Fiction." By Benjamin W. Wells, Professor of Modern Languages in the University of the South. New York: Dodd, Mead, & Co. 1898.

"The Development of the English Novel." By Wilbur L. Cross, Assistant Professor of English in the Sheffield Scientific School of Yale University. New York: The Macmillan Company. 1900.

"The Evolution of the English Novel." By Francis Hovey Stoddard, Professor of English Literature in New York University. New York: The Macmillan Company. 1900.

of Elizabeth the novel in English can boast of an extremely slight advance. Lyly's word-juggling "Euphues," the extravagant tale of somewhat picaresque adventure, "Jack Wilton," and the long, fantastic, and tediously, charming "Arcadia" of Sidney, are the only books whose importance can ask a stretching of the term novel so as to include them. These are clearly of less significance than the drama and several kinds of poetical composition, and a brief consideration of circumstances will make the causes of this plain.

With a reading public as small as that of the time of Elizabeth no one thought of writing novels for money—the sole *raison d'être* of many modern books. On the other hand, literature as a profession was practically non-existent; and as no gentleman concerned himself with literature save as an "accomplishment," there was lacking also the impulse of fame to foster the development of prose. Money was to be made in the drama, and what fame literature had to give was to be won in the various kinds of verse, the lyric and the sonnet being the most popular because capable of being produced in the briefest space of time. These conditions and this attitude lasted well into the seventeenth century, especially with the Cavalier party; but the religious and moral upheaval and relapse due to the Puritan Revolution, and the involuntary stay of many cultured Englishmen abroad, brought about new tendencies.

From the "Arcadia" to the "Spectator," however, the English prose of the kind we have to deal with is of the slightest importance. Outside the ranks of artistic prose—prose meant, as the novel is, primarily to give pleasure—there are of course the infinitely numerous controversial tracts about the civil war, to the end of which even Prof. Gardiner has not come; but these are frankly non-literary. The literary prose of the seventeenth century is represented by the superb difficulty of the "Areopagitica," the lucid prefaces of Dryden, and the simple truth of the "Pilgrim's Progress." There is a remarkable advance already in the power and flexibility of English prose, but as yet few premonitions of the novel.

After all the investigation which one's patience will stand into sources, analogies, and the like, one is tempted to drop as worthless the results up to this point, and to find the real beginning of the English novel in the clever idea of Steele and its cleverer execution by Addison. Unity and plot have come to be so important in the modern novel that the idea that this form of literary art could have its origin in any production so loosely articulated as the "Spectator" papers seems unreasonable until a moment's thought is given. Then "The Vicar of Wakefield" and the whole series of eighteenth century novels rise, with their character sketches, incident, description, and sermons, all hung on the slightest thread of a plot. In the de Coverley papers we have all of the essential concomitants of the novel save the desire on the part of the public to have this particular portion of their amusement served in "two volumes of twelves" rather than in daily papers which could be read in the intervals of a breakfast. A convincing proof that the essay periodicals of Queen Anne's time are the immediate forerunner of the eighteenth century novel is to be found on a comparison of the papers relating to Sir Roger de Coverley with "The Vicar of Wakefield." There is a similarity in the two central figures, in the treatment of women, though this is a slight element in the de Coverley papers, and in the whole attitude towards life. "The Vicar," with its ceaseless charm, has an absurd plot, and these papers of Addison have no plot with their ceaseless charm. Both are the reproduction of life by men of keen insight and kindly wisdom, and both afford to their readers the endless satisfaction of saying of these scenes from life, "How true that is! I've noticed it a thousand times, but never had the power to express it once."

We have, of course, no means of knowing with accuracy how many more people read as a constant amusement after the great success of the "Spectator" than before, but this increase was striking enough to provoke much contemporary comment. Therefore, besides furnishing, in those papers which concern Sir Roger de Coverley, an immediate predecessor of the novel, Addison and Steele were carefully nurs-

ing the infant reading public of England from the milk of a semi-weekly character sketch up to the solid meat to which it was to turn when "*Pamela*" appeared in 1740.

From Addison and Defoe, through Richardson, Fielding, Smollet, and Goldsmith to Scott, Dickens, and Thackeray the rivulet of artistic prose increases into a lordly stream. Since men began to write for the general reading public and not for patrons, people of the mode, or an aristocracy whose title to judge things literary was based on an ability to write Latin verses which would scan, it seems clear to us that there has been no time during which the preëminent importance of the novel could rightly be doubted. No one could oppose a novel to the success which Pope's "*Homer*" achieved, but the public to which this paying translation appealed was wonderfully small. As soon as Addison and Steele had got their public into a slight degree of self-consciousness, it was going to neglect the hard and brilliant Pope for the gush and tears of Richardson.

Yet the satire and the drama, the ode and the narrative poem were not to be superseded without a struggle; if people read the novels, they talked about and quoted the poems, and bought gilt copies for their front-room tables. The immense conservatism of the English universities, whose literary ideals were all formed by the dead languages in which the novel did not exist, has delayed the critical recognition of the place of the novel long after that place was a reality. No poem in this century, save perhaps some of Scott's and Byron's "*Childe Harold*," has gained one tithe of the popular applause which a hundred volumes of fiction have enjoyed. For good or ill, every other literary form, from the epic to that creation of the nineteenth century, the Macaulay type of review-essay, has been hopelessly vanquished by the novel, and even the professional critics are seeing that the novel is really what it has been for decades—the literary form in which the mind and life of this period are to find expression. What the drama was to Shakespeare, the satire to Pope, and the meditative poem to Wordsworth, the novel is to the thinkers and creators of this generation. There can be no clearer

proof that this is now recognized by all than the publication in the last few years of a number of books intended to guide the student and general reader in the systematic study of the novel.

Publishers recognized the need of some book of criticism on the novel before the critics in colleges did, and we began several years ago to have essays, more or less lengthy, on the novel treated from the point of view of the novelist. Many wise and bright things have been said by these writers, as is to be expected when men speak of that whereby they earn their bread, though it is a little amusing to see how carefully each writer "praises the ship that carries him over," whether it be the novel of adventure, the romance of travel and foreign life, or fiction of scrupulous realism. One novelist, who seems to have in his make-up a little more of the mercenary than we like to attach to the creators of our heroes, declares that to him the novel is a "pocket theater," thus gaining, straightway, freedom to be as frivolous as we allow our stage to be; another who reiterates what we all acknowledge yet often forget—namely, that if a novel is true it cannot be wicked or weak—wishes to remove from the high place to which the world has assigned them too many of the novels which do not come under the law of his minute realism. There are with authors, as with readers, the two conflicting desires of having the novel remove you from the world, and of having it help you to keep your mind on the world so as to solve better your own problems.

Another class of books dealing with the novel is much more practical and its authors more free from the charge of having an ax to grind. These come in recognition of the fact that the reading public, especially the feminine and more responsive portion of it, is reading novels steadily, and will continue to do so; books of this kind try, therefore, to make this absorbing time-destroyer somewhat more of an intellectual exercise and somewhat less of a narcotic. Accordingly with various devices for club readings and the like, they try to arouse interest in the great novels which are really worth reading. The good that is done by such books and by the

clubs which they suggest, in the one particular of lessening the terrible monotony of life in small places, fully justifies their existence and multiplication.

The critical treatment of the novel, its investigation as one of the distinct forms of literary art comparable in importance to the epic, the drama, or the narrative poem, came naturally somewhat later, and it is decidedly a more scholarly undertaking than could be expected of the authors of books of the foregoing classes. Critics of ability and wide reading are bringing to the consideration of the subject the best they have of time and thought; here is a historical account of the novel, here a critical study of it as a form of literary art, here a careful and scholarly compendium of the facts which a serious student of the novel will desire to know. All the recent manuals on English literature have tried to do justice to the important place of the novel, and in 1898 Dr. Wells, in a volume entitled "*A Century of French Fiction*," added a careful study from Chateaubriand to Zola of what has long been acknowledged the chief literary *genre* in France. Besides the wide reading in the special field of fiction that anything like an adequate treatment of the novel demands, Dr. Wells brought to his work a breadth of scholarship and a crispness of style that are lamentably absent in most of the books of this class.

In 1899 the Macmillans published "*The Development of the English Novel*," by Prof. Wilbur L. Cross, of Yale, and this year the same house put forth "*The Evolution of the English Novel*," by Prof. Francis Hovey Stoddard, of the University of New York. These two books immediately challenge a comparison with a volume by Prof. Raleigh, published by the Scribners several years ago, and it is well for them that a marked difference of purpose prevents an exact balancing of good and bad points. Prof. Raleigh gave a short sketch of the novel from the earliest times to the publication of "*Waverley*," tracing carefully prose fiction in its rise into importance from the Greek novel of marvelous adventure through the romances of chivalry, euphuism, and arcadianism down to the firm ground of the

de Coverley papers. "The Development of the English Novel" touches only lightly on all that precedes Defoe, and takes practically the date of "Pamela," 1740, as the beginning. It aims to furnish an aid to the student and general reader in understanding the importance of the novel and in judging particularly the novelists of this century. It is, in its treatment of the work of each novelist, as the resultant of his own genius and the artistic heritage of his predecessors that the justification of the title "Development" is to be found. Richardson was a road breaker; Fielding in his novels reacted against the sentiment of the author of "Pamela," and swung the pendulum far the other way; and Goldsmith, in "Vicar of Wakefield," benefited from the work of both, producing a masterpiece of sane, healthy, and at the same time delicately tender fiction. As Fielding's naturalism came in reaction against Richardson's too roseate view of life, so Thackeray's was a reaction against that of Dickens; but in between Fielding and Thackeray, who are often compared, came Scott, adding a new element of interest in opening up the field of history. So Prof. Cross would show the continual forward movement of literature arising from the alternate supremacy of the realism or idealism in our nature.

There is truth undoubtedly in this, but in order to make a thesis of this nature attractive in form it would be necessary to devote a volume, perhaps not as large as the one we are considering, wholly to the facts supporting it, cutting out all superfluous literary history. Any attempt to point out in a way that would seem sympathetic to the partisans of each of the nineteenth century novelists the significance of George Eliot, Hardy, or Dickens, would involve a task herculean; for the modern novel, especially as it advances toward the problem stage, seems to have aims and purposes inversely as it has the elements of interest. Time has not had a chance to sift, and, until it does, a critical treatment of the English novel of this century is not for a single volume.

It was, perhaps, in recognition of this fact that Prof. Stoddard outlined his plan of treatment in "The Evolution

of the English Novel." He applies to the study of the novel a theory as much like Prof. Cross's as "evolution" is like "development," practically the same principle, with a difference in statement only. There is one definite idea of whose truth he is convinced, and which he wishes to make plain. Divesting himself, therefore, of all the *impedimenta* of literary history, and of all the critical seeking for values not necessary to his subject, Prof. Stoddard gives the whole of his volume to a consideration of those few novels which manifest most plainly what he believes a phenomenon true of all novels.

He applies himself more directly to the investigation of the rise of personality in the novel. The first novel, he takes it, which is essential to show the truth of this continuous development is "Robinson Crusoe," and "Robinson Crusoe" is the novel of adventure, is concerned purely with the externals of life. There is no human interest save that aroused in this one man, no domestic, no social life of any sort. The modern novel and the novel of the future are so entirely different from this remote prototype that we hesitate not a little before we class them together, and we do so finally only because of a barrenness in our critical nomenclature, and the awkwardness that results if we invent compound nouns to suit our meaning. At the last stage to which we have come in this evolution, the characteristics of a good novel, says Prof. Stoddard, are a scientific seeking for truth and a seriousness commensurate with this aim: the material with which the novel occupies itself is not external adventure, but the adventure, the experience of the soul in a highly organized social body. "A good novel is an inductive study in sociological biology." There has been a continual evolution from the external and lower to the internal and spiritual.

This theory, if true, should be manifest in the novel of Personality, in the novel of History, in the novel of Romance, in the novel of Purpose. For investigation in the first class, "The Vicar of Wakefield," "Pride and Prejudice," "Jane Eyre," and "The Scarlet Letter," are

chosen; in the second class, support for the theory is found in the understanding of the meaning of history which came in the eighteenth century, plus the realization of the value of the individual soul, due to the forces which brought, in politics, the French Revolution, and in literature the interest in the life of a commonplace individual, "Tom Jones;" in the novel of Romance we pass from the despairing revolt of Werther, the wanderer, against the conventionalities of society, through the splendid incongruity of "Notre Dame," to the life of Jean Valjean in "Les Misérables," giving himself for others; in the novel of Purpose, the day has passed when a Reade, a Kingsley, or a Dickens could look on the evils of life, write a novel descriptive of them, and say, "Do thus, and all will be well." Prof. Stoddard points out that the novel of Purpose seems to have gone with the splendid, but somewhat premature, passion for reform which characterized the second and third quarters of this century, but that in its stead there has come the purposeful novel, which gropes after the cure for the ills of life, but dares not suggest a specific remedy for a disease so multitudinous in its manifestations.

The conclusions reached in Prof. Stoddard's volume are interesting, and the reasoning is generally sound, though the premises seem to be a little arbitrary; the book is suggestive, not of great originality, but a distinct contribution toward a valuation of this great and important form of literature. There is to be said of this volume of Prof. Stoddard's, and of numerous briefer studies on the same subject, that it is unfortunate that a better style has not come of the long studies in literature which such books presuppose. There is, of course, always a feeling with a man who has become interested in an idea, has labored to develop it, and not found his labor in vain, that his work is done: he has but to put his facts down and let students avail themselves of them. The student can use dry facts, and does do so; but just as surely as good material is found in a carelessly wrought out or cumbrous form, so surely will the book's appeal be limited solely to students interested in

the particular subject. Dr. Wells's book and Prof. Raleigh's are remarkable among the volumes which we have examined for containing paragraphs, sentences, and happy turns of expression which make one linger, re-read, and take in with double interest the point to be enforced.

As to the final impression which a reading of many works on the novel leaves—the writers of these latter books, as men in studious universities are wont to do, are disposed to take their work too seriously. The very immensity of the public to which the novel appeals should assure one of this fact, that if the novel does become scientific, if the novel of the future is really to be a study in sociological biology, its days are numbered. A few people, the serious readers and thinkers, want the novel to be such for them, but the vast majority of readers come to the novel for amusement, for relief from the humdrum existence of a daily life whose cause they cannot understand, and though Mr. Marion Crawford would make the novel too frivolous in claiming for it the rights and immunities of a "pocket theater," he at the same time is very near truth in one of its aspects. The novel must be true because we are not interested in the false, but it must have the truth which contains joy and gladness, and not the truth which is false, because one-sided in its pessimistic realism. It must help us in our life, must ennoble, but its very means of doing this is its power of interesting and amusing.

Of course some one may say there are enough merely interesting novels in the world already, that we need now the great and serious studies of life; but this is partially an absurd statement, for the people who know of the charm and interest of novels already in existence are those who want the serious ones, and to those who know not of Goldsmith, Thackeray, and Scott for their pleasure, a serious novel is a bore. The people are going to continue to demand contemporary fiction, and this demand will create its supply. Unless fiction differentiates itself, and novels of many classes are produced, the form in its height of popularity is doomed. Thus much, we think, is to be said to those who would have the novel all work; but, as a matter of fact, the slightest con-

sideration of the modern novel shows that this differentiation has already taken place. If on the one hand "Resurrection" stands now at the head of the purposeful form, it is certain, on the other, that the people by whom the most novels are read will never see "Resurrection." The people to whom "Richard Carvel" is great do not want to read "Resurrection." The one is deficient in power, the other in interest, without either of which no novel can be completely great; and as now the whole of modern creative power is turned toward the novel in one form or the other, we can expect with confidence to see sooner or later novels perfect in their kind as we have seen dramas and epics perfect in their kind.

GEORGE CLIFTON EDWARDS.

THE CONSTITUTION AND TERRITORIAL POSSESSIONS.

CONSTITUTIONAL agitation never ceases. The men who in 1787 drafted the great paper constitution made from it in 1789 the vital, working, real Constitution of the United States.

Since the middle of this century there has been a vigorously contested question as to whether the Federal Constitution applies *ex proprio vigore*, or by its own force, to a territory which is not a member of the Federal Union; or, in other words, as to whether the term "United States" in the Constitution includes more than the States united. This same question was decided in the negative in the case of "territory" which had been relinquished by Great Britain, most of which had been made into an organized Territory before the great instrument was formed. Is the question now settled in the affirmative? Does the clause, for example, which enjoins uniform duties, imposts, and excises "throughout the United States" bind Congress as to the "territory" over which that body has jurisdiction? Has the "United States" of the Constitution become in law the same as the United States of popular language?

There was no unsettling of the original interpretation of the Constitution as to territory when the Union first acquired foreign territory. But in 1822, after Florida had been acquired, the question was agitated thoroughly in Congress. The previous solution of the question was not decried, however, for it was proposed only to extend the Constitution by statute to the Territory of Florida—just as Congress might have voted to extend the common law system so as to supplant the civil law system in the Spanish settlements. Before 1850 each attempt thus to extend the Constitution failed. But each attempt was an indisputable recognition of the fact that the Constitution of the fathers had never applied *ex proprio vigore* except to the States. Congress would never have attempted to extend anything which extends itself.

Territory belonging to the United States before our civil war may be classified as under three different conditions. Of the first condition, or status, was all territory relinquished by Great Britain, wherever and whenever it did not form a State or part of a State. Instead of prescribing government for it, the Federal Constitution allowed Congress full power to govern it as that body might deem best—even power to withdraw the ordinance of 1787, if such were desirable—which was extremely different from the over-State, or federal, government so carefully prescribed. Moreover, indisputably, Congress governed that territory in its discretion. Thus the fathers, by written words and by deeds, developed a perfectly elastic, unwritten constitution or system of what they called “territorial government.” A reason, if not the only reason, why they never employed the term “colonial government” was the unhappy association which that term brought to them.

Of the second status were the Louisiana, Florida, and Mexican accessions. These were acquired through treaties which promised future Statehood, and that Congress should not govern them as territories entirely in its discretion, as is provided in Article IV., Section 3, of the Constitution. These treaties contained a second kind of governmental recognition of the fact that the general limitations of the Constitution upon Congress did not necessarily apply to territory. To the Territories of Orleans and Florida neither the Constitution nor all of the general statutes were extended while they remained Territories.

Of the third status were the Territories organized during and after 1850, to which the organic acts of Congress promised the Federal Constitution “so far as applicable.” These include all the Territories fully organized since 1850, except Washington Territory, and this lack of uniformity was corrected in the Revised Statutes. Thus we have, coming down almost to the present day, a third class of governmental recognitions of the fact that the Federal Constitution

¹ Language as to Utah. Elsewhere it is “not locally inapplicable.”

ex proprio vigore applies solely to the Federal Union and the individual States. To such a direct promise of constitutional protection, in respect to the greater part of the territory of the third status, are to be added the implied or indirect promises made by the treaties of cession, as before mentioned. In the case of this territory with double promises of constitutional protection—promises through the two coördinate forms of "supreme law of the land," treaty and statute, which are next in authority to the Constitution itself—it might seem both immoral and illegal to alter such constitutional protection. But Congress has unquestioned legal authority to amend or repeal any of its statutes, and also any law of coördinate authority, as a treaty; and when, in 1882 and 1887, Congress in effect did amend or repeal or ignore this supposed double extension of constitutional protection in the case of Utah, both the Federal Supreme Court and "the common sense of most" recognized it to be not only legal, but also morally justifiable.

Thus a concrete case, involving an unpopular territorial institution, immoral and corrupt, was grasped and mastered by the popular mind in the nation. It is far more difficult, however, to grasp the great legal principles, as principles, by which the court justified such extraordinary power as was exercised by Congress on those two occasions; and perhaps the majority of Americans believe, in our day, that the Constitution of the United States was made for both States and Territories, since the more comprehensive meaning of "United States" is the more often used. Most magazine articles bearing on the question have held more or less vigorously to this side. The Ways and Means Committee recently adopted the less comprehensive meaning, that of States only, by the narrow division of eight to seven—one Republican member of the committee and the Silver member holding with the Democratic minority. And in both houses of Congress a thoroughly organized political party, in these days of party discipline, was not held together upon the question.

There is, of course, a fourth status of Federal territory not a member of the Federal Union. It is found where territory

has been acquired by treaty, but where there has not been promised any constitutional protection for it either by treaty or by act of Congress. Porto Rico and the Philippines are of this status. Instead of being guaranteed any definite "civil rights and political status," these islands and their inhabitants are by the treaty turned over to be governed in the discretion of Congress in clearer words than any in the third section of the fourth article of the Constitution; and even the Dred Scott opinion recognized that the fourth article gave to Congress unlimited discretion in governing the territory relinquished by Great Britain, while it remained territory. Yet, strange to say, many public men, without regard to party affiliations, are to-day claiming that the Constitution, *ex proprio vigore*, applies even to territory of this new class. Why? If for any purpose, it is probably to incline the American people to favor scuttling out of the Philippines or to embarrass the Administration as to an "open door" therein.

One of these men writes, for example, in the *North American Review* for November, 1899, that "an open door to the world's commerce in the Philippines is a political myth," they being an "integral part of the United States." Supporting this side of the question there are at least three leading Supreme Court cases. Upon these stress is often laid; for they seem to strike the nail on the head by making statements to the effect that "United States," in the Constitution, includes States and Territories. They are *Loughborough v. Blake* (5th Wheaton), *Cross et al. v. Harrison* (16th Howard), and *Dred Scott v. Sandford* (19th Howard). In the first case the statement was brought about by the accident of some remarkable arguments of counsel. It was confessedly *obiter dictum*, unlike the similar statements in the two other cases. The opinion in the second case came indirectly from practices, statutes, and words in a treaty of cession, and were the work of that greatest moving force in our constitutional history, the slavery question. The opinion in the third case came directly from that great force.

The first-named case, in 1820, tried the right of Congress to tax the District of Columbia for national purposes. This

was the only question involved, said the court in the beginning of its opinion. The plaintiff's counsel had argued that the clause in the Constitution which grants Congress exclusive legislative authority over the District gives authority to levy taxes for local purposes only. The Court disposed of the argument in part by saying that the right of Congress to tax the District does not depend solely upon that clause. It argued the sufficiency of the clause, but, over and above this sufficiency, the applicability of the first clause in the same section—that giving Congress “power to lay and collect taxes,” etc. It was in this argument, which was admittedly superfluous, that the Court uttered the now overworked dictum that the territories were included in the term “United States” in the Constitution.

It is needless to speak of the danger, noted by high judicial authority, of expounding the law by “basing a legal principle upon a dictum;” for later in this *Loughborough v. Blake* opinion the Court said entirely too much to suit those who base a principle upon the famous dictum. We find words which weaken extremely the *obiter dictum* that “United States” means “the whole American empire.” “If the general language of the Constitution shall be confined to the States,” says the dictum, “still the seventeenth paragraph of the eighth section gives to Congress the power of exercising legislation in all cases whatsoever within the District.” Again the Court casts doubt upon its dictum by saying that it is no less necessary to have uniform revenue laws for the territory than it is for the States. Clearly the last is an argument, says Prof. H. P. Judson, not of constitutionality, but of expediency or equity. The Court then thought of the territory as it was in 1820, contiguous to the States, very different from our tropical island territory. Moreover, the famous dictum has been practically overruled or ignored by later decisions of the same Court, even while composed of several of the same justices.

Cross v. Harrison, the second leading case, was decided in 1854. The point to decide was whether the plaintiffs should recover duties paid in 1848-49 to a government *de*

facto at San Francisco, a port of the Mexican accession—duties paid before the collector appointed under Congressional authority had been installed, and before Congress had made it a port of entry, but after the government *de facto* had lost its belligerent right to collect duties. The head of this quasi legal or *de facto* government was also the head or executive of the Federal government, as well as the commander in chief of its army and navy. But the Court did not need or wish to decide that the power of proclaiming whatever law was expedient, while the government *de facto* lasted, was an inherent power in the Federal government as sovereign. There were several reasons for this at that time; and by interpreting the term “United States” as the treaty-making and legislative departments of the government had of their own right done, the Court avoided what it thought to be an unnecessary, if not a dangerous, doctrine of Federal sovereignty, and at the same time it upheld the collection of reasonable and just duties.

Yet such a doctrine of sovereign power would have conformed to the theory and practice of other constitutional nations. Such had been, and is now, the theory on which many things other than tariff matters have been done by our Executive ever since Louisiana was purchased; although Congress at first, superfluously, authorized the President to rule Louisiana in his discretion, as does a dictator, until the Congress organized a government *de jure*. Such is the theory on which the present Executive regulated the tariff in Porto Rico, while he could not regulate the duties on goods brought from Porto Rico to the States or to our territories which have governments *de jure*.

Why did the Court wish to ignore this principle in 1854, and to say that by the ratifications of the treaty California became “a part of the United States?” It continued: “As there is nothing differently stipulated in the treaty with respect to commerce, it became *instantly bound and privileged by the laws which Congress had passed*.¹ The right claimed

¹ In *Fleming v. Page* (9th Howard) there is a statement by the Court directly to the contrary, and it is sustained by history.

to land foreign goods within the United States, at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imports, and excises shall be uniform throughout the United States." The next sentence, however, indicates that the Court was thinking of equity or expediency as well as of law: "Indeed it must be very clear that no such right exists, and that there was nothing *in the condition of California* to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in other ports of the United States."

This was the era in which the party that was usually dominant in all departments of the government earnestly desired new territory, as soon as the sovereignty changed, to be regarded as part of the republic and under the Federal Constitution, which then protected slavery. If it were conceded that acquired territory did not automatically come under the statutes and Constitution of the United States upon the transfer of the sovereignty, what might happen? An abolitionist Congress and President might perhaps get into power, exclude slavery from all the territory, and bring it into the Union as non-slave States. Accordingly, the slavery extension party prepared things for the Mexican accession legally and vitally different from any programme under the Federal Constitution as yet prepared for the Philippines. For years the Calhoun men had tried to get Congress to "extend" the Constitution beyond the States. Now something like today's "integral part" language had crept into the 1848 treaty of cession, and the following winter these men tried to have Congress extend the Constitution to all territory belonging to the United States. "The proposal was rejected in both houses," wrote Senator Benton, "and immediately the crowning dogma is invented that the Constitution goes of itself to the territories without an act of Congress, and executes itself, so far as slavery is concerned, not only without legislative aid, but in defiance of Congress and the people of the territory. This is the last slavery creed of the Calhoun school."¹

¹"Thirty Years' View," II., 733.

May the Court legally allow an "open door" to the Philippines, when it thought it could not have allowed it to California? The treaty of 1848 spoke of the Mexican accession as a part of our republic; but the Philippines are spoken of only as the Philippines in the treaty, and are marked off by metes and bounds, recalling to mind the Constitution's expression, "territory or other property." The inhabitants of the former were promised both present civil rights and a future political status; were promised protection in their property, their religion, and in "the free enjoyment of their liberty;" but the "civil rights" of the inhabitants of our new possessions "shall be determined by the Congress," according to the treaty. The treaty of 1848, by the amended wording, promised that the new land—more strictly the "inhabitants"—should be "incorporated in the Union . . . and admitted as soon as possible, according to the principles of the Federal Constitution." But the latter treaty gives not the slightest guarantee as to political status; the "political status of the native inhabitants," and indeed of Spaniards who omit registering their Spanish citizenship, "shall be determined by the Congress." It is our belief, but not our legal guarantee, that Congress will try to deal justly with the Porto Ricans and Filipinos.

There were other points of law and of history in 1854 which, unconsciously and consciously, induced the Court to allow the treaty of 1848 to have its perfect work in both letter and spirit. There was the fact that the Washington authorities had ratified the California tariff regulation soon after the treaty became operative—indeed, they had done so, however, before knowing what that regulation was—by directing the California officials to collect by the Federal schedule. But these officers had previously applied this schedule, on hearing of the exchange of treaty ratifications. All parties were certain of the action of Congress, and had anticipated its action. Indeed, Congress had already recognized the accession—according to the circular instructions issued to the collectors of the customs—before the treaty was completed, as a "part of the Union;" and, as the Court said in

the Dred Scott case and on other occasions, "whatever the political department of the government shall recognize as within the limits of the United States, the judicial department is also bound to recognize and to administer in it the laws of the United States so far as they apply." The Federal law was as desirable in the Mexican accession as in the contiguous new State of Texas, where the Constitution indisputably compelled the law to apply. It was no greater burden to the former than to the latter. It was also expedient, according to a report by the military governor. The application of the law was ordered and executed by the responsible government *de facto*, and was also ordered by the national authorities. Moreover, no treaty provision as to the limits of the United States could be considered objectionable, legally or otherwise, had the Court been constituted able to declare so on other than legal grounds. Neither was the climate too nearly tropical, nor were the inhabitants too numerous to be outnumbered and assimilated by English-speaking immigrants. In fact, such was already the case in California when first the issue was joined.

But in every respect it is wholly otherwise in the Philippines. Especially would our tariff laws for the States, made for both revenue and protection, hinder the development of the Filipinos; and our internal revenue imposts and excises could not well be collected from Filipinos and Porto Ricans. Our Constitution, made for Caucasian States, if extended to the Philippines, would in general hinder more than help their development in civilization and their material prosperity.

The crowning opinion that the Constitution restrains congressional legislation for the territory was delivered in the Dred Scott case, and it was even less a mere dictum than the similar opinion in the previous case. An argument for the plaintiff was that, since the Missouri Compromise act had prohibited slavery in Upper Louisiana Territory, and since the plaintiff had been taken to Fort Snelling therein, therefore the law had emancipated him, and he was consequently thereafter deprived of his freedom illegally. Seven of the

nine justices voted to deny the plaintiff's relief asked. Six of these, according to Associate Justice Wayne's written opinion, declared the Missouri Compromise unconstitutional and void, and this opinion was their ground for denying one of the plaintiff's chief arguments.

The Court held that "territory" acquired beyond the original boundaries of the States and of the "Western lands" could not be governed by Congress "at its own pleasure," "for the erection of forts, magazines, arsenals, dockyards," but that it must be held in trust for statehood and under the protection, from the moment of its acquisition, of the then proslavery Constitution. All the nine justices wrote partial or complete individual opinions, unless we except the chief justice, who wrote the opinion of the Court. The Court's opinion went to the extent of declaring that permanent territories, or colonies, are abhorrent to the Constitution, since the only express authority to bring territory under the flag is the power given to admit new States. The power of the great moving force had so taken possession of the learned chief justice—and indeed every kind of Federal law was already on the side of slavery—that his opinion practically denied the power of Congress to prohibit slavery in, or otherwise to legislate in its discretion for, even lands purchased "for the erection of forts, magazines, arsenals, dockyards," etc., unless such lands were purchased east of the Mississippi and north of Florida. This, if not all of the Court's points, may be found even yet in a strict construction of what the Constitution says. Moreover, as the Court held, the framers doubtless thought only of territory relinquished by Great Britain when they granted to Congress power over "the territory or other property," in the fourth article. They then had enough hard problems without thinking of foreign territory to be acquired. Yet the Court has not at other times contended for so strict a construction of this so-called "property clause" in the fourth article. On the contrary, it has cited it at least a dozen times as the authority, or one authority, of Congress to govern, and to govern in its discretion, territory belonging to the Union.

These three opinions are much quoted by the laity and by politicians. They are seldom, if ever, cited by the Supreme Court, while it is otherwise with its numerous positive decisions on the other side. There are also numerous opinions and dicta involving personal rights, in territory that had the common law or that had been given constitutional rights by act of Congress or by treaty. These, together with the fact that conditions have usually made desirable or expedient a uniformity of tariff and internal revenue laws in territories and States, and the fact that there has been a uniformity with but slight exceptions, have bred an erroneous belief that it is the Constitution which has caused the uniformity of rights and burdens. This is not so. Such uniformity has usually been caused by a number of other reasons: a common race and language, common United States citizenship possessed by most territorial immigrants, the inherited common law, a recognized training of the Territory for equal Statehood privileges, common interests, contiguousness of territory to the States, greater ease of making and executing uniform customs laws, equity, and the spirit of the Constitution and of the nation—these have caused the imposing of the same tariff and internal revenue laws upon Territories as upon States, and these reasons will not exist as to the Philippines.

Congress has made exceptions, however, and these exceptions form a part of the proof of its constitutional power. When it made Hawaii "territory of the United States," at the same time, almost, that it enacted war tariff and internal revenue laws for the States and for other territory under its jurisdiction, it provided that the old Hawaiian laws should remain until it might decree otherwise. Thus, in effect, it recognized the inapplicability of the *Cross v. Harrison* decision, if not also the proslavery political fallacy which led up to that decision. At another time Congress put not a special tariff, but a special prohibition, upon certain imports for a single one of the Territories (Alaska) which it could not have put upon imports intended for one of the States. The Federal Constitution does not give plenary power as to them, and in all

matters it prevents Congress from discriminating between them.

On another occasion, in 1804, Congress made very low tonnage duties in Louisiana for France and Spain, which together had the bulk of Louisiana trade, and reduced duties on French and Spanish goods. But ships and goods from these two countries paid the same tonnage and import duties "throughout the *United States*" as were paid by ships from other foreign countries. No party and no appreciable number of persons claimed that "throughout the *United States*" included the port of New Orleans until 1812, when the State of Louisiana was created. Then all men agreed that it was a part of the *United States*, and that all duties there had to be uniform with those at our Atlantic ports. Moreover, during that period, American ships did not have free entrance at New Orleans; and the Supreme Court did not disturb these laws, which it would have done had that region been legally a part of the *United States*, and not a mere possession.

Such things indicate that the minority political party of to-day has strayed far from the interpretation put upon this part of the Constitution by its framers; and the framers knew the meaning of that instrument, if men could know it. That they regarded territory as not under the Federal Constitution is seen again by the fact that they acquired territory in 1803 which was claimed to extend from the mouth of the Mississippi to fifty-four forty and to the Pacific, as an "imperial" colony in all but the name. None of them dreamed that it would soon bloom into States. They thought the bulk of it would not be used even for colonizing for a hundred years. As Mr. Henry Adams shows in his nine-volume history of Jefferson's and Madison's administrations, the prevailing political and judicial opinion through the whole course of Louisiana legislation was strongly to the effect that territorial government is entirely extraconstitutional. Congress ignored even the "bill of rights," or early amendments to the Constitution. It recognized an establishment of a state religion in Louisiana, for example. The clergy were given

salary by the government, as under former sovereignties, contrary to the first amendment, which, as a recent writer on the other side admits, "fixes the bearing of the prohibitions of all the rest."¹ Another writer² enumerates part of "a strange medley of Federalists and State Rights men who seemed to agree upon nothing about the Constitution *except that it did not apply to the territories.*"

What has the Supreme Court said, for example, on this side of the question? In 1828, in *American Insurance Company v. Canter* (1st Peters) the Court, speaking by Chief Justice Marshall, said that "ceded territory becomes a part of the nation to which it is annexed, either on terms stipulated in the treaty of cession or on such as its new master shall impose." How different from his *obiter dictum* of 1820, which many cherish and magnify into a stumbling-block!

In 1840, in *United States v. Gratiot* (14th Peters), the question was upon the absolute power of Congress in making "rules and regulations respecting the territory or other property;" and the Court said that the power is vested in Congress *without limitation*, and has been considered the foundation upon which the territorial governments rest." In other words, this is the only respect in which they rest upon the Federal Constitution. They have never rested upon the theory of a union of Territories with States. They have never rested on the consent-of-the-governed theory. They have never rested—except from the *Dred Scott* decision in 1857 to the civil war—upon any other theory than that of the sovereignty of Congress or of its constituents in the States. And since that war the Court has made the principle more and more clear.

In 1850, in *Benner v. Porter* (9th Howard), the Court said of territorial governments: "They are not organized under the Constitution, nor subject to its complex distribution of the powers of government, as the organic law, but are the

¹ *Yale College Journal*, March, 1900.

² In the *Open Court* for February, 1900.

creations exclusively of the Legislative Department and subject to its supervision and control."

In 1872, in *Gibson v. Chouteau* (13th Wallace), the Court said that "the Constitution vests in Congress the power of . . . making all needful rules and regulations. That power," says the opinion, "is subject to *no limitations*." In 1885, in *Murphy v. Ramsey* (114th U. S.), the question was upon the right of Congress to pass the Edmunds act, which withdrew the franchise previously held by polygamists. The Court said:

The people of the United States, as sovereign owners of the national territories, have supreme power over them and their inhabitants. . . . But, in ordaining government for the territories and the people who inhabit them, all the discretion which belongs to legislative power is vested in Congress. . . . It rests with Congress to say whether, in a given case, any of the people resident in the territory shall participate in the election of its officers or the making of its laws; and it may, therefore, take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it, as it may deem expedient.

And in the District of Columbia Congress has withdrawn the franchise from every resident who formerly voted in that territory. Great Britain never exercised or held a theory of more absolute authority over the American colonies or over any of her colonies.

But the decision which more fully adjudicated the disputed power of Congress was *Mormon Church (or Romney) v. United States* (136th U. S.), in 1890. Congress had in 1887 dissolved this Church as a corporation, and for reasons to its own mind sufficient, and to the minds of its constituents, had through formal proceedings seized the Church property of various kinds, and was holding it subject to the formal order of the Court. It had provided for the distribution of the corporation's property for charitable purposes. In other words, it had in effect *confiscated* a vast amount of Mormon property, and had directed it to be distributed, through legal forms, for the benefit of Mormons and Gentiles alike. A dissenting opinion protested, that "absolute power should never be conceded as belonging under our system of government to any one of its departments." But

the Court said otherwise. It made no new arguments. It seemed to consider none needed, when it had never in history restrained Congress, except by the 1857 decision, and after the civil war that restraint had been removed.¹ It said that "doubtless Congress would be subject to those fundamental principles in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than from any express and direct application of its provisions." It would have been beneath the Court's dignity, and irrelevant besides, for it to ask, "What is the Constitution between friends?" Yet, while those words were but mirthful nonsense when asked, as they were, relative to the Federal Union, to which the Federal Constitution applies by necessity, it would not have been nonsense, apparently, to ask, What is the Federal Constitution when considering territory or territorial inhabitants? The opinion implied that neither political nor personal rights need be allowed in a territory if the expediency and the motive of Congress be sufficient.

Finally, and bearing directly on the legality of an "open door" in a territory, we find the highest court to which a plaintiff may himself appeal such a case under the new regulations made in 1891, the United States Circuit Court of Appeals, saying in 1898 that Congress "may legislate in accordance with the special needs of each locality, and vary its regulations to meet the conditions and circumstances of the people." This case, *Endleman v. United States* (86th Fed. Rep.), concerned Alaska.

As a matter of fact, *habeas corpus*, bail, jury trial, and the usual legal punishments, have obtained in all the Territories,

¹ Soon after this Mormon Church decision, in *Duncan v. Navassa Phosphate Company* (137th U. S.) and *Jones v. United States* (137th U. S.), the Court distinctly reversed the *Dred Scott* dictum as to colonies; and it has on many other occasions overridden Judge Taney's major premise, which was that the constitutional power to admit new States is the only authority to acquire foreign territory.

though not from legal compulsion unless it were where treaty, statute, or some obtaining of the common law brought it about. But in another extra-Constitutional jurisdiction jury trial has been disallowed. That is, the United States Consul, or Minister if there be one, in certain pagan countries, under Section 4086 of the Revised Statutes, may disallow it in our consular court jurisdiction, even in capital cases, as was decided *in re Ross* (140th U. S.).

Since the historic proslavery decision was delivered in 1857, therefore, great changes have come. The Court has reversed its attitude. The Federal Constitution has been amended, and a single clause in the thirteenth amendment has alone reversed the two most important points in the Dred Scott decision. First, the practical and general point of Slavery versus Liberty was changed by abolishing slavery "within the United States." Secondly, it abolished slavery within "any place subject to *their* jurisdiction." Although a somewhat recent amendment, it follows the language and spirit of the original Constitution by speaking of the Union of States in the plural number and by regarding a Territory that is not a member of the Union as a possession, not as a part, of the United States. Moreover, Alaska was acquired as a colony, and has been ruled, in all but name, as a colony. Indeed, at the very time that Mr. Justice Taney was proclaiming the impossibility of a United States colony, all of our so-called Territories were then being colonized, and were governed with more absolutism of central government power than was the neighboring British colony of Canada, although he adjudged it wholly unconstitutional to abolish slavery in our acquired possessions, as had been done in Upper Louisiana thirty-seven years before. Moreover, as to the supposed difference between a Territory and a colonial possession, that of expected future participation in the general government, Canada will undoubtedly be voting in the British Parliament long before there are United Senators from Indian Territory and the District of Columbia, or, very probably, from Alaska. Difficulties are often solved by means of names.

Alaska, which was acquired ten years after the Dred Scott decision, has every mark of a colony. Britain's two higher grades of colonies, the self-governing and the semi self-governing, are not to be compared to it. Only India and the crown colonies may be well compared to it, for only these have no representative assembly.¹ It was acquired by treaty, as were all the earlier accessions, excepting Texas. But statehood was not by treaty promised for Alaska. Neither was there any extension of the Constitution promised by the treaty, nor has any been given by Congress, although organized Territories have such an extension promised in their organic acts and in the Revised Statutes. In *National Bank v. County of Yankton* (101st U. S.) the Supreme Court said that an organic act is a Territory's Constitution; but there has not been as yet any organic act for a Territory in that region. The treaty promised that the few Russians who might remain should from the first be treated as well as the United States citizens who might go thither.² But the latter, having proved to be mainly rough explorers and exploiters, said to regard the laws neither of God nor of man, the territory, consequently, has been governed as a partially organized *satrapy*. Its government has been as nondemocratic as that under the British crown colony's governor, or under the Roman proconsul or the old Persian satrap. It has several satraps, instead of one. Yet such government is expedient in Alaska. It is practical; and it is more nearly ideal than the conditions there prevailing.

We have spoken of a treaty stipulation as a "promise." The majority report of the Ways and Means Committee

¹ The organized territory corresponds to the semi self-governing colony; for in both, in legal theory, their representative bodies can but recommend laws; and a higher authority, on approving, enacts the laws recommended. A State in the Federal Union is the nearest comparison to a self-governing British colony that we have. England, Scotland, and Ireland do not correspond to our States, since they form one "unified state," with one legislative body and one government.

² Alaska should be put with territory of our fourth class. In the late Spanish treaty limited constitutional rights were provided for a few Spaniards.

says that such a stipulation has sometimes made an acquisition a "part" of the United States, and sometimes not, as in the case of Porto Rico. A minority report says that treaty stipulations are "not entitled to weight in deciding the question." The one great authority on the point, the Constitution, says that "*all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land.*"

The Court has never overturned a treaty on constitutional or other grounds, although the political department of the government may overturn or, in effect, modify a treaty after the exchange of ratifications, as well as before. Under certain circumstances, the House of Representatives alone, in its sovereign right and power, may overturn a ratified treaty—as in the case where, for example, the treaty charges the Government with the payment of money. It is only the political or sovereign portion of the Government that overturns treaties and that decides both their constitutionality and limits as to subject matter; in most constitutional countries, indeed, the same is true as to statutes also. The judiciary in those countries interprets and aids in giving effect to the statutes; but the Legislature and Executive decide upon their constitutionality, as upon that of treaties.

Our own courts have often recognized acts as matters "of legislative discretion, not of judicial cognizance." Something more than the courts has had to be trusted in all human government; and in our nation, the sovereign powers which do not remain immediately in the people were placed mediately in the President and Congress, even the power of organizing and reorganizing the Federal Supreme Court. This Court, powerful as it is, does not exercise over certain matters the control that is involved in a power to declare them unconstitutional and void. These are the sovereign matters: Declarations of war, the Executive's war power, treaty making, consular court regulations, territorial government regulations, amending the Constitution, etc. In such an act the sovereign or political part of the Government, or else the whole sovereign people, has full

responsibility and full power. Such an act is always constitutional. The courts can but interpret it, or give effect to it, and they have regularly done so. A treaty stipulation has great weight with them, although often ignored in part by the legislative power.

For the Ways and Means Committee's purpose, the question of the automatic application of the Constitution to Porto Rico was assumed to be a question of the meaning of "throughout the United States," where the Constitution prescribes uniformity of duties. In studying this expression our prime authority and great commentary is the Constitution itself. The terms, "United States," and "Union," are found in it and its Amendments about seventy times. There was one organized Territory, made by the Confederation in July, 1787. The Constitution was not drafted until September. Yet in some instances, "United States," as well as "Union," without controversy or cavil, must mean only the States named individually and so often termed "United States" in the Articles of Confederation, and so termed once in the Declaration, or the composite political entity or commonwealth formed by the State commonwealths united.

Those documents were drafted before men had even thought of a Northwestern or other organized Territory. Therefore, "the United States in Congress assembled," as the Articles so many times word it, could have meant only the thirteen United States. As to whether the new corporation or political entity was meant to contain more than the State corporations or entities which entered into it, is disputed where the context does not determine, as it does determine, for example, where participation in a federal government is involved. But as to the undecided instances, the burden of proof is upon those holding that the meaning of the term is different from the meaning shown in places by the context.

The solution of the great practical question of an "open door" in the Philippines, and of necessary free trade between the States and the new territory after Congress be-

comes responsible for its government, may be regarded as hingeing on the meaning of the expression "throughout the United States," found in the eighth section of the first article. The same expression occurs again in the eighth section in regard to a uniform bankruptcy law. In neither of these cases does the context show the meaning beyond dispute. If, however, this very expression be found again in the Constitution, we must assume that it was intended to mean the same thing as in these two cases; and if the context there shows the meaning unequivocally, then we ought to consider the puzzle solved, if it be a puzzle.

In the next article we have the election of President prescribed, and Congress is empowered to determine the day on which the electors "shall give their votes, which day shall be the same *throughout the United States.*" There is a popular and geographical term "United States," but here we have the context of the Constitution to show that in that instrument the term did not include the Northwest Territory; for in no territory have men ever voted for President, and yet this voting is here prescribed as to "throughout the United States."

On the face of the Constitution there are many things to indicate that its framers intended the term "United States," so far as shall concern the restrictions upon Congressional authority over that political entity, to mean the Federal Union of States. In the preamble, "United States" was indicated as meaning "a more perfect union" of the thirteen States already known by that name; and it was indicated that this proposed new Union, or new United States, was to consist of nine States at the minimum, with no ultimate maximum number indicated. The territorial inhabitants are shown to be not represented in the United States Government; and they are not indicated as coming under the Constitution in matters other than participating in that Government. It is left for Congress to bring them under, so far as the Constitution can be made applicable to territory, if Congress so desires, or to withdraw as much of the Constitution as shall have been applied, if such a course should become

expedient. Congress has done the former in organizing Territories since 1850, and has done the latter partially several times.

The Constitution refers to the territory already transferred by two or three States to the Confederation as "territory belonging to the United States," and gives Congress an extra-Constitutional authority to govern such territory. It shows that it was the States which were to be protected—not at first by the "bill of rights," but protected broadly from a new and much stronger central Government, which it was feared might lead them back to a tyranny as bad as that which they had with such difficulty overthrown. To preserve enough of their State sovereignty, and yet make a federal nation, was the great problem. The Constitutional Convention labored hard upon it throughout a long summer. Even its carefully wrought plan, instead of being quickly ratified, was denounced as a "triple-headed monster," "the gilded trap," "as deep and wicked a conspiracy as ever was invented in the darkest ages against the liberties of a free people." Such conditions account in part for the handing over to Congress so summarily the territory, with its white and other inhabitants. We shall not argue the consistency or the expediency of such variance between a State's privileges and an organized Territory's; we shall but show the fact. If our fathers erred in making it so, it was because they had such absorbing troubles concerning the States, and their success as to the latter should atone for a multitude of errors.

If, then, the Constitution does not necessarily and by its own force protect United States citizens from Congress except in the States, does it at all benefit United States citizens residing abroad or in the Territories? Yes; the people who made or who amend our Constitution have usually seen that it should bind Congress morally, if not legally; and moral force is often more binding in government than is legal force. Up to the present time, the spirit of the Constitution has in some degree extended to all the Territories, unorganized as well as organized. Its letter, too, has extended to the latter

class "so far as applicable." But this has been only by statute, which cannot bind Congress legally; for any statute may be amended or repealed by the body which made it.

The Constitution and Amendments refer to one or more individual States or to the Union more than one hundred and eighty times in demarking and prescribing the whole course of the Federal or over-State Government. But how is it "applicable" *ex proprio vigore* to Territories? Only in these instances, if at all: (1) The granting to Congress of exclusive power over the proposed District for the seat of Federal Government, where at present Congress does not allow the franchise; (2) like authority over lands or places acquired for military or other Federal purposes; (3) the clause as to admitting new States into the Union; (4) that giving Congress power over "territory or other property;" (5) as to forbidding slavery "in any place subject to their jurisdiction;" and (6) empowering Congress to make all laws necessary "for carrying into execution the foregoing powers and all other powers vested."

None of these powers is really prescribed, as the Federal Government is prescribed. It is only that Congress "may" admit new States, and "shall have power to" act in the other five instances, except in that regarding slavery. Therefore not even in the six instances does the Constitution really apply *ex proprio vigore* to territory, but only in the instance that regards slavery; and this is found in an Amendment made nearly a century after the Constitution was drafted. The Congressional powers applicable to territory are practically all powers additional to those of legislating for the Federal States, and form an extra-Federal and extra-Constitutional or "imperial" function. Congress could withhold Constitutional protection from a reconstructing State after the civil war only because of abnormal conditions; but it could at any time have withdrawn the Northwest Territory's Constitution, no matter how it reads, as was partially done with the written constitution or organic act of Utah Territory, and with the Constitution of the District of Columbia. Indeed, the Dred Scott opinion says that the

adoption of the Constitution *ipso facto* withdrew the Ordinance of 1787, and that the first act of Congress amending it was a reenactment. Congress could have governed any Territory with gross injustice, as well as with its absolute authority, were it not for its constituents in the States. But the constituents will not tolerate a theory of absolutism with injustice. Some of them cannot bear to recognize the theory of absolutism at all, even with justice promoted. Yet the framers, who also first interpreted the Constitution, as public men under Washington's administration, together with the highest Court which interprets it, have agreed on the theory of Congressional absolutism over territory.

As to the "territory" which Great Britain relinquished with the acknowledgment of independence, we find unequivocal acts from which we may determine that the framers did not include it under the term "United States" when not within State boundaries. We find this as to the clause in which uniform "duties, imposts, and excises" are enjoined, as well as regarding the remainder of the Constitution. The historians tell us that over twenty thousand white emigrants settled in the Northwest Territory between the granting of the Ordinance Constitution in 1787 and July 31, 1789, when Congress divided the United States into districts for the collection of customs. The Northwest Territory was divided into six collection districts by an act approved March 2, 1798, or almost ten years later; and the first collection of the internal revenues therein was in 1798, several years after the first whisky revenues were collected in the very thinly populated parts of States. Thus for nearly ten years after the Constitution became operative, this now disputed clause had not even an apparent application in an organized Territory. When it was applied, no one is recorded as favoring it on a constitutional ground. No clause was considered applicable to the Northwest Territory except that giving Congress full power over "the territory."

The matter of the political department now deciding more clearly and more formally that, so far as the Constitution is

concerned, uniform duties, imposts, and excises need not prevail in the different territories, and of the judicial department recognizing it as a matter of "legislative discretion," is but the same routine that has been followed in territorial matters not of revenue, in which Congress has used its discretion more conspicuously. The fairest example with which to test the power of Congress to interpret the term "United States" as it wills, so as to legislate for the territories as it wills, is that of the territorial judiciary. Did Congress organize it as the third article of the Constitution prescribes for "the judicial power of the United States?" The first section of that article says that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior."

The leading case in which the subject was discussed is *American Insurance Company v. Canter* (1st Peters), decided in 1828. The opinion of the Court was written by the same Chief Justice Marshall who, eight years before, had said that "United States" means States and territories. In the new case he said:

The judges of the superior courts of Florida hold their offices for four years. These courts, then, are not constitutional courts. . . . They are legislative courts, created in virtue of the general right of sovereignty which exists in the government or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress.

How can this be, unless it be that Congress has full power over the territory, and that the term "United States" means *United States* in the Constitution? This was not *obiter dictum*, but it formed a necessary part of the opinion supporting the decision.

In the other cases involving territorial courts, when carried up to the Supreme Court, the Florida case has been followed without a murmur. A summary of several of

these cases is given in the Court's opinion in *McAllister v. United States* (141st U. S.). This case was decided in 1891. A law had been passed, some years before, authorizing the President in his discretion to suspend, at any time during a recess of the Senate, civil officers appointed by him and confirmed by that body, except *judges of the courts of the United States*. A territorial judge, having been dismissed by the President under this statute before the term of his commission had expired, had sued for prospective salary. The decision hinged upon the question whether the statute's exemption of "judges of the courts of the United States" protected him from such a dismissal. The Court held that neither the letter nor the spirit of the Constitution need enjoin or restrain Congress as to the territory, and that Congress had never made *courts of the United States* for territories.

Congress did not observe the Constitution in the more important matter of territorial courts of justice. Is it the inference that, with but few and limited exceptions, the Constitution compelled observance in a territorial matter of a lower order? Or was it only that Congress usually happened, through motives of equity and expediency, to follow the Constitution regarding territories in that lower matter of internal revenue and tariff? Many things indicate that Congress formed its habit from such latter causes. Indeed, of the great governmental functions—the judicial, legislative, executive, and ministerial—none could have been organized in any territory by following what is prescribed in any Constitution, excepting the organic act, for the simple reason that the Federal Constitution prescribes only a federal government. It leaves territorial government to Congress, as State government to the respective States. It guarantees a republican form of government to each State; but territorial governments are never fully republican, being under an "imperial" or Federal government, in which they have no vote; territorial legislators have never been allowed to legislate inconsistently with the Federal Constitution; and territorial judges and other appointive officials have always been

compelled, inconsistently, to take an oath to support the Constitution—while they are all unprotected by it.

The best illustration of the working of this part of the American unwritten constitution may be found in the case of Utah. It will serve also as a summary of this paper. In many respects the Territories of Orleans, Florida, Alaska, Indian Territory, and the District of Columbia afford better illustrations of the principle. But Utah comes in the class of territory, as made in this essay, in which a treaty had promised constitutional rights for the inhabitants, and Congress unequivocally promised such rights in the organic act which made Utah a Territory. It was of the most guaranteed class of territory that the United States ever possessed. If Congress legally and really used a free hand with it, then surely it may do so with our least guaranteed class, so far as legal power is concerned.

On September 9, 1850, by the multiplex Compromise or Omnibus bill, Congress for the first time decreed that the Federal Constitution should be extended over organized Territories so far as applicable. The Mexican accession was organized into one State and two Territories. The northern Territory was called Utah, although it was then nearly three times as large as the later Utah. Did the Constitution prove to be "applicable?" Was it "extended" so as to be beyond the power of Congress to recall it?

Until admitted into the Union Utah had no vote in amending the Constitution, no voice in treaty-making, no vote in any kind of United States legislation, nor any participation whatever in the national government. She had nothing to claim as of legal right from the Executive Department, which sent thither governors and other appointive officers, usually from the East, to rule her; and she had from the Judicial Department no protection against Congress, although she was privileged by statute to appeal to the former her territorial court decisions.

Her organic law, such as the Supreme Court has in effect said is a Territory's written Constitution, was neither adopted by the people of Utah nor was subject to their amend-

ing. Unlike any State's Constitution, Congress amended it, and could have withdrawn it. It mentioned that Congress might divide the Territory, or might form States or parts of States out of it, without its consent, which is otherwise in case of a State. It did not "guarantee a republican form of government," unlike the Federal Constitution. Much of the time there were other kinds of government as well as republican, and later to the exclusion of it; after the Presidents had for years sent to her the territorial governor, marshal, attorney, secretary, and judges—these together having much of the power of the ancient Persian satrap—whatever republican government remained was made oligarchical in 1882 by disfranchising the great majority, the polygamists; and monarchical government had been allowed to Indian nations within the larger Territory of Utah.

Congress could not have been denied the power of abolishing the elective legislature altogether, and of instituting such an appointive legislative council as some early organized Territories have had. Polygamist citizens of Utah, even though having United States citizenship besides, could not migrate into a State and claim immunity under the Constitution's guarantee of "all the privileges and immunities of citizens in the several States;" yet polygamy was for many years a lawful institution of Utah. Her judges had not the same term of office as those prescribed by the Constitution, nor the same jurisdiction except as to cases where Congress had made the jurisdictions alike, as a coincident. Sessions of the Legislature could not exceed forty days. Every voter in the Territory had to have United States citizenship, which is unnecessary in some States even when a President is voted for. The Legislature acted as to other qualifications of voters, and Congress changed the act. Indeed, its every act had to be submitted to Congress for approval. The organic law limited the power of the Territory in selling any lands and in levying local taxes; and, as to all Federal taxation, no representation goes with it in case of any territory. Moreover, Congress in effect *confiscated* in time of peace a vast corporation property belonging to Utah citizens, although it

distributed the property for their benefit along with the benefit of others. Webster's opinion in 1849, that it would be impossible to make the Federal Constitution the Constitution of territory, proved at last to be true.

Therefore, when to-day some one says that our Spanish accessions are "as much subject to and protected by the Constitution as any territorial acquisitions in our history," it is hardly worth while to dispute it. Such things as the foregoing-mentioned allow us to see that Congress could have ignored the letter and spirit of the Federal Constitution as to anything else in Utah, had it been expedient, before she became a Federal State. But in all the things mentioned, it has been otherwise with California, which by the same act of Congress that made Utah a Territory, with the provision trying to apply to Utah the Federal Constitution, was made into a State. Yet for California there was neither expressed word nor intimation or reference as to the Constitution. Such would have been unnecessary, since to States it applies *ex proprio vigore*.

We have been told that territory must be either "an integral part of the United States," or else it is foreign territory. No such sophistry perplexed the framers of the Constitution, including Hamilton, Madison, and the venerable Franklin. They saw no necessity for making the possession a part of the possessor, in order that it might be a possession. We have too often heard it said that if Congress may do away with—or make special—tariffs and internal revenue laws for the Philippines, it would then have the dangerous legal authority and power, without any practical difficulty in the way, to abolish all tariffs for Alaska and all internal revenue laws for all the Territories. Therefore, perforce, the Constitution forbids! Never did public men beg the question more artlessly. The fathers made the Constitution so, and so interpreted it, and the United States never thought best to amend this feature of it. The dominant party in the forties and fifties wished that it had been drafted so as to blanket the Territory by its own force. But they adopted an

easier method of working their will than that of an amendment.

In general, this lack of applying *ex proprio vigore* to the territory is a source of power, not an imperfection; and the Thirteenth Amendment, in strong language of implication, sanctions the primitive doctrine that "United States" in the Constitution does not mean "the whole American empire." Whether this is the meaning in popular language is not a legal question, and whether the free hand allowed to Congress over territory tends toward worse government or better is a question distinct from that of the plenary authority of the Legislative Department over "territory belonging to the United States."

FRED HENRY COX.

SIDNEY LANIER AS REVEALED IN HIS LETTERS.

NOT unnoticed during his life, and not neglected since his death, it is only within the last few years that Sidney Lanier has begun to be adequately appreciated. His fame seems to be upon a crescendo wave—to adopt one of his own characteristic mannerisms—that has not yet reached its highest point. Beginning in 1889, when a bust of him was unveiled and memorial exercises were held in his honor at Johns Hopkins, its progress has been marked by an increasing notice in the various periodicals, some of them publishing articles and poems of Lanier accepted during his lifetime; by growing fame abroad, where he is ranked higher than at home; by the excellent "Select Poems" edited by Dr. Morgan Callaway, Jr.; and by a new edition of all his works brought out in the last two years by his publishers, Messrs. Charles Scribner's Sons.

In view of the mass of criticism that has already been published, and of the fact that it is yet too soon to make a final judgment, it would seem an inopportune time for further discussion of Lanier; but what has gone before shows the timeliness of the subject and also furnishes occasion for another review, while its true justification is found in the new light thrown upon the man and his work by the recent publication of his letters.

Far more than is usually the case the man and his work were one, and must be judged together, his poems reflecting his life, and his life being a true poem. So that the new view obtained through the letters is not only essential to a proper estimate of the man, but of his work as well. This task is too great for a single article, and, reserving the consideration of the work to a possible later opportunity, we shall consider now only the letters themselves and the revelation they make of the man as he lived and wrote.

The "Letters of Sidney Lanier," selected and edited by

his son, Mr. Henry Wysham Lanier, and published in 1899 by the Scribners, is an admirably edited volume which is sure to fascinate, if not the general reader, at least any one who is interested in music and poetry, or in heroism displayed in the homely tragedy of poverty and suffering. We must praise especially the arrangement in groups rather than in chronological order. Though this sometimes obscures the relationship of letters on the same subject and of approximate dates, the advantages which it gains far outweigh this defect; for it gives each group the value of a little story, with an underlying unity and its own characteristic qualities. And nothing shows better the skill of the writer than the complete difference in style and tone of the different series.

The letters to Mr. Gibson Peacock,¹ with an introduction by Mr. William R. Thayer, unfortunately somewhat condensed as compared with its original form when the letters were first published, form a natural beginning, giving the outline of Lanier's earlier life, and covering all his literary life in the letters. They are concerned with the homelier side of that life, giving details of illness, finance, and poverty. After the friendship is fully formed, their tone is that of a young man to an old and dearly loved benefactor, something that may rightly be called filial. The style is exceedingly simple.

The letters between two poets, first published in *Scribner's Magazine* of last year, are unique in giving both sides of the correspondence, in the fact that both of the writers are poets, and in the nevertheless world-wide difference between them which the correspondence reveals. Though there is a gradual growth of friendship, and indeed of intimacy, shown in the letters, they are concerned throughout chiefly with the literary side of the two writers, and one feels that there is not the personal interest found in the former series. The style is much freer and more literary, and at least to that extent less simple. Another thing sure to be

¹ First published in the *Atlantic Monthly* for July and August, 1894.

noted is the contrast in the style of the two writers. Again and again, in passing from Taylor to Lanier, one feels that one is passing from prose to poetry. Perhaps the most notable instance of this is Mr. Taylor's letter of September 25, 1875, and Lanier's reply of the 29th.¹ Taylor writes simply that he has been moving, will live in two blocks of Lanier's hotel, and hopes he will accompany him to the Century Club if his health does not prevent. Lanier replies:

My Dear Mr. Taylor: Your note comes flushed with good news. For bringing me within two blocks of you I will, in the most sublime manner, forgive Fate a dozen heinous injuries.

I will eagerly await you on Friday evening, and will be delighted to go with you to the Century Club.

I write in the greatest haste, to-day not being long enough by some six hours for what I have to do before it ends.

Which makes me realize how glorious is Friendship, to whose immortality the poor necessities of night and sleep do not exist.

Your friend,

S. L.

The "Letters to a Friend," also between two poets, and edited by the other poet, Mr. Paul Hamilton Hayne, are republished from the *Critic* of February, 1886.² They give us the earliest and latest insight into Lanier's thought, the earliest and latest examples of his style, which, especially in the earlier letters, is more involved and peculiar, while the tone is that of the complete intimacy that springs from entire congeniality.

Turning to the other series, the "Poet's Musical Impressions,"³ there is a total and fascinating change of style. Peculiarities that would be intolerable elsewhere, or in any one in whom they might not be thought natural, the "thou," the "hath," the German inversions, make up a poetic style such as a poet may properly use to his wife, and so attractive as to win the love of any woman. And as showing more clearly the inmost self of the man, it is significant that in thought also this series is the most poetical.

¹ Pages 126, 127.

² February 5, 13; Vol. V., pp. 77, 78, 89-91.

³ Also first published in *Scribner's Magazine* of last year.

The apt criticisms with which the letters abound illustrate Lanier's critical faculty as forcibly as any of his later critical works. Here, for example, is the way he writes of Wagner:

Ah, how they have belied Wagner! I heard Theodore Thomas's orchestra play his "Overture to Tannhauser." The music of the future is surely thy music and my music. Each harmony was a chorus of pure aspirations. The sequences flowed along, one after another, as if all the great and noble deeds of time had formed a procession to march in review before one's ears instead of one's eyes. These "great and noble deeds" were not deeds of war and statesmanship, but majestic victories of inner struggles of a man. This unbroken march of beautiful-bodied triumphs irresistibly invites the soul of a man to create other processions like it. I would I might lead a so magnificent file of glories into heaven.¹

And again:

The conception [of the "Rhein-Gold"] is very fine; but there is something in it, or rather something not in it, which I detect in everything that any German has yet done in the way of music or poetry. I know not exactly what to call it, or indeed how to define it. It is that (if I may express it in a very roundabout way) sentiment lying deep in the heart of the author which would produce on his face a quiet, wise smile all the while he was writing, a sort of consciousness underlying all his enthusiasms (which are not at all weakened thereby) that God has charge, that the world is in his hands, that any littleness is therefore small and unworthy of a poet. This was David's frame of mind; it was also Shakespeare's. No German has approached it, except perhaps Richter.²

His literary criticism is quite as good. As Hayne said, it would be hard to excel this of Browning:

Have you seen Browning's "The Ring and the Book?" I am confident that, at the birth of this man, among all the good fairies who showered him with good endowments, one bad one, as in the old tale, crept in by stealth and gave him a constitutional twist i' the neck whereby his windpipe became, and has ever since remained, a marvelous, tortuous passage. Out of this glottis-labyrinth his words won't and can't come straight. A hitch and a sharp crook in every sentence bring you up with a shock. But what a shock it is! Did you ever see a picture of a lasso in the act of being flung? In a thousand coils and turns, inextricably crooked and involved and whirled, yet, if you mark the noose at the end, you see that it is directly in front of the bison's head, there, and is bound to catch him. That is the way Robert Browning catches you. The first sixty or seventy pages of "The Ring and the Book" are altogether the most doleful reading, in point either of idea or of music, in the English language; and yet the monologue of Giuseppe Capponasacchi, that of Pompilia Comparini, and the two of Guido Franceschini, are unapproachable, in their kind, by any living or dead poet,

¹Page 68. ²Page 106.

me judice. You get lightning glimpses—and, as one naturally expects from lightning, zigzag glimpses—into the intense night of the passion of these souls. It is entirely wonderful and without precedent. The fitful play of Guido's lust, and scorn, and hate, and cowardice closes with a master stroke:

. . . Christ! Maria! God!
Pompilia, will you let them murder me?

Pompilia, mark you, is dead by Guido's own hand; deliberately stabbed because he hated her purity, which all along he has reviled and mocked with the devil's own malignant ingenuity of sarcasm.

That he can be just to all the merit he sees is shown by this compliment to Whitman, the more interesting because of the severe criticism of him elsewhere, and the judgment as to the comparative value of the three books is thoroughly characteristic:

I read through the three volumes on Sunday; and upon a sober comparison I think Walt Whitman's "Leaves of Grass" worth at least a million of "Among My Books" and "Atalanta in Calydon." In the two latter I could not find anything which has not been much better said before; but "Leaves of Grass" was a real refreshment to me—like rude salt spray in your face—in spite of its enormous fundamental error that a thing is good because it is natural, and in spite of the world-wide difference between my own conceptions of art and the author's.¹

Let us now pass to a consideration of the man and of his pathetic life and work. He was born, it will be remembered, at Macon, Ga., February 3, 1842. His father's family was of Huguenot extraction and distinguished in many generations for musical ability; his mother's was likewise gifted in music, poetry, and oratory. All this inheritance, passing over his parents, was concentrated in Lanier.

Of these gifts, music always came first. It is a subject for speculation what Lanier would have become had his bent for music—shown by his skill on any instrument and his violin trances—been unchecked by his father, who taught him that music was an unmanly art and turned him for solace to the flute. He might perhaps have become the greatest American composer and the founder of a new school of music instead of a poet who in his life and work united and interfused the sister arts.

From fourteen to eighteen, with one year's intermission,

¹ Page 208.

he studied at Oglethorpe College, whose equipment was not especially fitted for training such a man or its atmosphere congenial. Yet here is revealed one of Lanier's most marked characteristics. Instead of working only on poetical subjects, spending his time only on what suited his pleasure, or defying the authority of the faculty, as from the example of Poe, Landor, Shelley, and others, one has been led to expect of poets, he made the most of his opportunities, and was graduated with the highest honors.

And this course was not unrewarded. He received a valuable stimulus from Prof. James Woodrow, the man who later came to grief in attempting to reconcile the theory of evolution with the Calvinism of the Presbyterian Church, South, and gained a basis for further study without which all his future work would have been impossible. It is also to be noted that his genius was early recognized. The faculty gave him a tutorship, while his fellow-students, both before and after he took this trying position, looked up to him with respect and seemed to regard him as a being quite apart.¹

During these college days Lanier was already meditating on the respective merits of music and poetry, and trying to decide which he should embrace as a career. He writes in his notebook:²

The point which I wish to settle is merely by what method shall I ascertain what I am fit for, as preliminary to ascertaining God's will with reference to me; or what my inclinations are as preliminary to ascertaining what my capacities are—that is, what I am fit for. I am more than all perplexed by this fact, that the prime inclination—that is, natural bent—(which I have checked, though) of my nature is to music, and for that I have the greatest talent; indeed, not boasting, for God gave it me, I have an extraordinary musical talent, and feel it within me plainly that I could rise as high as any composer. But I cannot bring myself to believe that I was intended for a musician, because it seems so small a business in comparison with other things which, it seems to me, I might do. Question here: "What is the province of music in the economy of the world?"

This extract is also noteworthy as showing that involved,

¹ This I have from the personal testimony of my father, who was at that time a student in a lower class.

² Ward's "Memorial."

unduly emphasized style which was perfectly natural to Lanier and which, intensified later by early English peculiarities, characterized so much of his work in prose as well as in verse.

The next four years of Lanier's life were taken up by the civil war, during which he served constantly in the Confederate army, most of the time in the signal service. Here the important facts are: his refusal to accept a promotion which would separate him from his brother Clifford; his spare time spent in the study of the modern languages and Anglo-Saxon; his devotion to his flute, which he hid in his sleeve when captured on a blockade runner, by which some comforts were earned and the tedium of his prison life at Point Lookout relieved; and the first beginnings of consumption, with which dread disease he was to fight the rest of his life, produced by the hardships of the service and developed by his spending the winter in a Northern prison with nothing but summer clothing to wear.

If any one should regard these as untoward surroundings and a sad fate for a young poet, it should be remembered that it developed and made the man, without which the poet could not have been. How he took them and what he thought of them will be shown abundantly later on.

To this period belong the earliest poems, among which are "The Tournament," "The Wedding," "The Death of Stonewall Jackson," and two translations of Heine's "Ein Fichtenbaum steht einsam," and a poem by Herder.

Again it was seen how nature trains a poet, for true it is that a poet is made, not born, only the making is in the hands of God and of the poet himself. The next few years were spent in constant trouble and hardship, and it was not until 1873 that Lanier found himself in a position that permitted the development of his musical and poetic gifts, and not till the next year that his first noticeable success was made. But look closer. During this time the poet's life was full of all that develops a man: the death of his mother; hard work in uncongenial situations, as clerk in a hotel at Montgomery, Ala., as school-teacher at Prattville, as a lawyer in his

father's office at Macon, Ga.; illnesses that brought him more than once to the brink of the grave; courtship and marriage to a woman, Miss Mary Day, of Macon, without whom, taking his testimony as that of the best witness, none of his future work could have been accomplished. Through it all Lanier displayed a clear, comprehensive, and correct judgment of the ordinary affairs of life, a ready sympathy with his surroundings, animate and inanimate, an unswerving steadfastness of will combined with a manly submission to the inevitable and an unfaltering belief in himself and his mission.

The poems of this period include the "Jacquerie" fragment; three "Songs for the Jacquerie," the first of which, apparently an echo from his courtship days, is exquisitely beautiful; most of the unrevised earlier poems, the best being "Strange Jokes," "The Raven Days," "Baby Charley," "Night," "June Dreams in January," and three of the pieces collected under the title "Street Cries," of which the most noteworthy is "Life and Song." "June Dreams in January" is descriptive of Lanier's own experience, in which, unfortunately, he found the transmutation of poetry into gold not so easy as it is represented to be in the poem. "Life and Song" is even more important, as expressing the poet's own ideal of a poet—an ideal he fulfilled in his own life. To this period belong also his first published work, the novel "Tiger Lilies," and various magazine articles, some of which have been recently collected in "Music and Poetry" and "Retrospects and Prospects."

In 1873 Lanier reached the turning point of his life. After a short stay in New York, and an immediate recognition there of his musical genius, he settled at Baltimore as "first flute" in the Peabody Symphony Orchestra, conducted by the great composer and musician, Asger Hamerick. What decided this step can be seen from a letter¹ to his father, in which he says:

As to business, why should I—nay, how *can* I—settle myself down to be a third-rate, struggling lawyer for the balance of my little life, as long as there

¹ Quoted in Ward's "Memorial."

is a certainty almost absolute that I can do some other things so much better? My dear father, think how, for twenty years, through poverty, through pain, through weariness, through sickness, through the uncongenial atmosphere of a farcical college and of a bare army and then of an exacting business life, through all discouragement of being wholly unacquainted with literary people and literary ways; I say, think how, in spite of all these depressing circumstances, and of a thousand more which I could enumerate, these two figures of music and poetry have steadily kept in my heart so that I could not banish them. Does it not seem to you, as to me, that I begin to have the right to enroll myself among the devotees of these two sublime arts, after having followed them so long and so humbly and through so much bitterness?

The chances for further study—and Lanier plunged at once into his favorite study of early English literature—for work, and the cultivation of all his gifts were boundless, but of all these opportunities which the change brought, those that were musical were the most significant. In "Tiger Lilies" Lanier had written:¹ "To make a home out of a household . . . music is the one essential. Late explorers say they have found some nations that have no God; but I have not read of any that had no music. . . . Music means harmony, harmony means love, love means God." Later he wrote to Hayne, in 1873:² "Whatever turn I have for art is purely musical; poetry being, with me, a mere tangent into which I shoot sometimes. I could play passably on several instruments before I could write legibly, and since then the very deepest of my life has been filled with music, which I have studied and cultivated far more than poetry."

Poetry remained a tangent until he saw it as a high and noble form of music. This recognition of the relation of poetry and music is the keystone to the arch of all Lanier's life and work. Hence his views on music and his equipment as a musician are of great importance. Of these, for the first time, one is able to judge adequately from the letters to his wife, collected under "A Poet's Musical Impressions." Here, as throughout the rest of Lanier's life, there

¹ Quoted in Ward's "Memorial."

² Letter of May 26, "Letters," p. 236.

is an embarrassment of riches. All the letters are significant, but only a few extracts can be given:

After the second song I was called on to play, and lifted my poor old flute in air with tumultuous, beating heart, for I had no confidence in that or in myself. But *du Himmel!* Thou shouldst have heard mine old love warble herself forth. To my utter astonishment, I was perfect master of the instrument. Is not this most strange? Thou knowest I had never learned it; and thou rememberest what a poor muddle I made at Marietta in playing difficult passages, and I certainly have not practiced; and yet there I commanded and the blessed notes obeyed me, and when I had finished, amid a storm of applause, Herr Thielepape arose and ran to me and grasped my hand, and declared that he "hat never heart de flude accompany itself before." I played once more during the evening, and ended with even more rapturous bravos than before, Mr. Scheldemantel grasping my hand this time and thanking me very earnestly.¹

In the letter of December 2, 1873,² Lanier gives a humorous description of his first rehearsal as *Flauto Primo*. It is too long for transcription, but a hint of his experience may be learned from a part of a letter³ to Hayne:

I spent the winter in Baltimore, pursuing music and meditating my "Jacquerie." I was *Flauto Primo* of the Peabody Symphony Orchestra, and God only could express the delight and exultation with which I helped to perform the great works brought out by that organization during the winter. Of course this was a queer place for me, aside from the complete *bouleversement* of going from the courthouse to the footlights. I was a raw player, and a provincial withal, without practice, and guiltless of instruction, for I never had a teacher. To go, under these circumstances, among old professional musicians, and assume a leading part in a large orchestra which was organized expressly to play the most difficult works of the great masters, was (now that it is all over) a piece of temerity that I do not remember ever to have equaled before. But I trusted in love, pure and simple, and was not disappointed; for, as if by miracle, difficulties and discouragements melted away before the fire of a passion for music which grows ever stronger within my heart; and I came out with results more gratifying than it is becoming in me to specify.

Here is another bit of experience worth noting:

Last night I played at another Church concert in New York City, far up town, to a very pleasant audience, with very pleasant testimonials of success. My first piece, a concertine of Briccialdi's, . . . brought down the house in an enthusiastic *encore*, to which I responded with the inevitable

¹ Letter to his wife, from San Antonio, Tex., January 30, 1873.

² "Letters," p. 82.

³ Macon, Ga., May 23, 1874: "Letters," p. 239.

"Blue Bells of Scotland." My last piece was the "Swamp Robin,"¹ which I only ventured as an experiment. 'Twas a curious psychologic study to note how it puzzled most of the audience, and how the few who did get into it began, as it were, to look about them and to say, like a man who has suddenly ridden into a strange and unexpected road, "Heigh, heigh! what's this?" Somebody saith every original writer has to educate his readers gradually to himself. How true this is in New York! Here the people are at once the boldest and the timidest in the world. When the new presents itself here, each one waits for the other one to pronounce decisively. Of course, at first no one speaks; finally, some generous and open heart says, "This is a good thing;" and then straightway all the people join and push the good thing to heaven.

Once give them a start—these singular New Yorkers—and they will go any length.²

In 1874, at Sunnyside, Ga., Lanier wrote his first great poem, "Corn," inspired by such a prosaic fact as the wasting and abandonment of the old red hills of Georgia, due to the "all cotton" craze. it was published in *Lippincott's* the ensuing February, and won instant and encouraging recognition, which made up in quality what it certainly lacked in quantity. Among those thus attracted was Mr. Gibson Peacock, an "old-school" editor of a Philadelphia evening paper, whose appreciative criticism brought a letter from Lanier that started a lasting friendship.

The record of this friendship and of Lanier's life contained in the first group of letters gives a clear view, as Mr Thayer well says, of the "conditions by which an embodied ideal, a poet, so recently found himself beset in this world of ours." It was a friendship that brought such loving sympathy, such practical help, such opportunities, such new acquaintances, that it was all-important in shaping the rest of Lanier's life. Among those whose acquaintance was thus made were Charlotte Cushman, whom Lanier greatly admired, and Bayard Taylor, through whom his entrée into the literary world of New York and the East was completed.

The friendship with Bayard Taylor, for which Lanier said he "always had a longing, but never dared indulge it more than one indulges what one considers only a pet possi-

¹ One of his own compositions.

² November 17, 1873: "Letters," p. 81.

bility," began much as that with Mr. Peacock. This time the latter was the kind friend, and the poem was "The Symphony."

How this poem was written we learn from a letter¹ to Mr. Peacock:

About four days ago a certain poem which I had vaguely ruminated for a week before took hold of me like a real James River ague, and I have been in a mortal shake with the same, day and night, ever since. I call it "The Symphony." I personify each instrument in the orchestra, and make them discuss various deep social questions of the times, in the progress of the music. It is now nearly finished, and I shall be rejoiced thereat, for it verily racks all the bones of my spirit.

It is a study for the "Jacquerie," and, with the exception of the earlier unrevised fragments, is all that we have from Lanier's life work on that theme which was so dear to his heart. Though the poem was warmly praised, there was then, as always, much criticism and question as to the correctness of Lanier's methods. Nothing could be better than the spirit in which he met this, as shown in the confession to his wife, "his dearest self," a confession which he would make to his "less dear self" in feeling only. After showing the inevitableness of disappointment and misunderstanding, he continues: "Have no fears or anxieties for me. All my trials merely go to prove that art has no more pitiless enemy than what is called business. It matters little that I should fail. What signifies a slight check in so great a cause? *Que mon nom soit flétri*, as Danton says, *que la France soit libre*, which I for my part translate: "Though my name perish, my poetry is good poetry and my music is good music; and beauty never dies, and the heart which needs can always find it.'"

For the remainder of his life all of Lanier's experiences expressed themselves naturally in poems, and though many of them were never written out for want of time, those he finished make up a goodly amount of work, wonderful in view of the distractions and hindrances under which he had to labor. Since his poetry is almost entirely subjective, it is

¹ March 24, 1875: "Letters," p. 12.

interesting to trace the connection between the poems and the circumstances under which they were written. This in many cases can be done through the letters, and sometimes light is thrown on the attitude assumed by publishers and critics.

In a letter, July 30, 1875, to Mr. Gibson Peacock, we read: "The next number of *Lippincott's* will contain four sonnets of mine in the Shakespearean meter. I sincerely hope they are going to please you. You will be glad to know that 'The Symphony' meets with continuing favor in various parts of the land." These are the sonnets published under "In Absence." In a letter of August 30, 1875, to Bayard Taylor three numbered sonnets are mentioned which Lanier says "form the beginning of a series which I will probably be writing all my life, knowing no other method of heart's ease for my sense of the pure worshipfulness which dwells in the lady they celebrate." These, as we learn from a later letter, after a careful revision, appear as the last two sonnets of "Acknowledgment," the first two of which Lanier said he thought more of than of anything he had yet done.

These sonnets to Lanier's wife sprang from their enforced separation, which, with some intermissions, lasted from 1873 to the summer of 1876. The other poems that show his love for his wife or the pain of separation are, "My Springs," "Laus Mariæ," and "Special Pleading," of which Lanier wrote that it was the first in which he dared to give himself freedom in his own peculiar style. When all these poems are read together they give one an eager desire to know more of Mrs. Lanier, even while we are pleased with the reticence and skillful omissions in the musical letters which make it difficult of attainment.

The next poem to appear is the sonnet to Charlotte Cushman. In connection with this it is interesting to read the short but touching notice Lanier makes of her death in a letter¹ to Mr. Taylor. The poem mentioned is apparently the one entitled "At First:"

¹ February 27, 1876: "Letters," p. 146.

It has been uphill work with me to struggle against the sense of loss which the departure of my beloved Charlotte Cushman leaves with me. She and you were the only friends among the artists I have ever had, and since she is gone I am as one who has lost the half of his possessions. The passion to which my devotion to her had grown makes it hard when sight and hearing are both become for evermore impossible. To-day, though keenly desirous to rest after a week of great strain, this little poem teased me till it was on paper. I hope you will think it not wholly unworthy. As I read it over now a disagreeable fancy comes that the last two lines of it are somewhat like something of somebody else, and these vague "somes" are intolerable. Pray tell me if this is so.

"Rose Morals; Red" appears in the next letter. In this Taylor criticised the line "Say yea, say yea," as repeating the same sound four times, and suggested a change in the last line to avoid a redundant foot. A reference to the poem shows that the "say yea," which does not repeat the same sound, is retained, but while the last line is not the one Taylor proposed, the redundant foot has been suppressed.

"The Waving of the Corn" passes through several of the letters. Taylor did not like it, and proposed numerous changes, and it is interesting to find that Lanier profited by most of his suggestions without exactly adopting any. The poem was rejected by Dr. Holland for *Scribner's*, but was sent as an experiment—being the first he had tried with them—to *Harper's* and accepted. From another letter we learn that *Lippincott's Magazine* paid Lanier \$300 for his "Psalm of the West." The history of the Centennial Cantata, which Lanier was chosen to write through Mr. Taylor, is given in full in that series of letters. Again, it is interesting to note the use Lanier made of the changes suggested; but in other respects it is too much like ancient history to be entertaining.

In 1876 Lanier's first volume of poems, under the simple title "Poems by S. L.," was published by the Lippincotts. It contained "Corn," "The Symphony," "The Psalm of the West," "In Absence," "Acknowledgment," "Betrayal," "Special Pleading," "To Charlotte Cushman," "Rose Morals," and "To — with a Rose," with the "Dedication" to Charlotte Cushman.

But, unfortunately, life was not all poetry to Lanier. The

letters tell also a sad story of uncongenial work, poverty, and suffering. But the work—uncongenial only because it kept him from what he felt to be his mission or from work on his “beloved *Jacquerie*,” for one side of Lanier’s nature was intensely practical—was vigorously done, the poverty uncomplainingly endured, and the suffering met with a combined submission and defiance that was truly heroic. Some of these revelations may be grouped:

I believe I wrote you some time ago that I had been employed to make a book on Florida. I commenced the travels preparatory thereto in April last; the thing immediately began to ramify and expand, until I quickly found I was in for a long and very difficult job; so long and so difficult that, after working day and night for the last three months on the materials I had previously collected, I have just finished the book, and am now up to my ears in proof sheets and wood-cuts, which the publishers are rushing through in order to publish at the earliest possible moment, the book having several features designed to meet the wants of the winter visitors to Florida. It is, in truth, only a kind of spiritualized guidebook.

This it is which has prevented me from writing you. With a nervous employer and a pushing publisher behind me, I have had to work from ten to fourteen hours a day; and the confinement to the desk brought on my old hemorrhages about a month ago, which quite threatened for a time to suspend my work forever on this side of [the] River.¹

Your siren song of the beauties of your island is at once tempting and tantalizing. When you say you “think I would be tempted to come, if I could imagine the enchanting views from this house,” you make me think of that French empress who wondered how the stupid *canaille* could be so obstinate as to starve when such delicious patties could be bought for only five francs apiece. Cushing’s Island, my dear friend, is as impossible to me, in the present state of the poetry market, as a dinner at Very’s was to a chiffonier; all of which I wouldn’t tell you, both because it is personal and because poverty is not a pleasant thing to think about at Cushing’s Island, except for the single controlling reason that I cannot bear your thinking that I could come to you if I would.²

Yours inclosing three dollars came to me safely, and I should immediately have acknowledged it had I not been over head (literally) and ears in a second installment of my India papers, for which the magazine was agonizedly waiting. Possibly you may have seen the January number by this time; and it just occurs to me that if you should read the India article you will be wondering at my talking coolly of strolling about Bombay with a Hindu friend. But Bhima Gandharva (Bhima was the name of the ancient Sanscrit hero, The Son of the Air, and the Gandharva means A Heavenly Musician) is only another name for Imagination, which is certainly the only

¹ Letter to Paul H. Hayne, October 15, 1875, p. 240.

² Letter to Mr. Gibson Peacock, August 10, 1875, p. 18.

Hindu friend I have; and the propriety of the term, as well as the true character of Bhima Gandharva and the insubstantial nature of all adventures recorded as happening to him and myself, is to be fully explained in the end of the last article. I hit upon this expedient, after much tribulation and meditation, in order at once to be able to make something like a narrative that should avoid an arid encyclopedic treatment, and to be perfectly truthful. The only plan was to make it a pure *jeu d'esprit*, and in writing the second paper I have found it of great advantage.¹

This year, 1876, again makes a notable division in Lanier's work. A change that had been gradually going on seems accentuated by a severe illness at Philadelphia, from which he barely recovered sufficiently to leave for Tampa in December, his physician "pronouncing death unless a warm climate was speedily reached." Lanier himself recognized the truth of the warning.

The beginning of the change may be dimly suggested in "Clover;" it is nearly complete in "Evening Song," of which Lanier writes that "it has smitten Mr. R. Shelton McKenzie under the fifth rib," and which, set to music by Dudley Buck as "Sunset," Taylor calls superb; and it is fully seen in the beautiful poems written during his three months' convalescence at Tampa. These are: "From the Flats," "The Mocking Bird," "Tampa Robins," "A Florida Sunday," and "The Bee," while "The Stirrup Cup," of the same date, is an echo of his illness.

One other poem was written at Tampa, "Under the Cedarcroft Chestnuts," which Lanier said was "written with a very full heart. I wanted to say all manner of fair things about you, but I was so intensely afraid of appearing to plaster you, that I finally squeezed all into one line,

"In soul and stature larger than thy kind."

In the same letter² Lanier makes the following criticism on his "Beethoven," written the preceding year, which again marks the above mentioned change and explains why his work shows such a steady improvement:

I have just seen the "Beethoven" in the *Galaxy*. . . . On seeing the poem in print, I find it faulty: there's too much matter in it; it is like read-

¹ Letter to Mr. Gibson Peacock, December 16, 1875, p. 22.

² March 4, 1877: "Letters," p. 188.

ing the dictionary; the meanings presently become confused, not because of any lack of distinctness in each one, but simply because of the numerous and differing specifications of ideas.

The other poems of this year are: "The Song of the Chat-tahoochee," "To Richard Wagner," "A Florida Ghost" (the last of the dialect pieces, the "Baptist Revival Hymn" and "First Sight of an Alabama River Steamboat" appearing in the two preceding years), "The Dove," and "The Hard Times in Elfland." Of the last he writes: "I indulged in a hemorrhage immediately after reaching home, which kept me out of the combat for ten days. I then plunged in and brought captive forth a long Christmas poem for *Every Saturday*, an ambitious young weekly of Baltimore." From the draft of "The Dove" inclosed in a later letter¹ we get an opportunity of seeing the improvement wrought in the poem before it was finally published.

The summer of 1877 was spent at Chadd's Ford, Pa. In November Lanier, with his family, removed to Baltimore, and after a brief experience in a flat settled permanently, barring one or two changes of location, to housekeeping. His delight in thus having a home of his own is humorously and withal pathetically expressed in letters written on the same day² to his two friends, which are too long to be given here.

The following years were the fullest, and doubtless the happiest, of Lanier's life. With his salary as first flute, with his magazine writing, with lectures to private classes, and sometimes with aid from relatives and friends, or a loan (always repaid) from Mr. Peacock, he managed to meet his daily expenses, though he found that he "could not make his daily bread by poetry alone."

In 1879, on his birthday, he received an appointment as Lecturer on English Literature at Johns Hopkins University for the ensuing year—a position he had been hoping for ever since President Gilman first broached the subject in 1876.

¹To Mr. Gibson Peacock, August 7, 1877: "Letters," p. 44.

²January 6, 1878: to Mr. Gibson Peacock, "Letters," p. 49; to Mr. Bayard Taylor, "Letters," p. 205.

The result of this appointment, the two series of lectures published as the "Science of English Verse" and "The English Novel," the latter of which was delivered when his fatal illness, already begun, made it well-nigh impossible, makes us grudge the delay.

The important poems dating from these years are: "The Harlequin of Dreams," "The Revenge of Hamish," "The Marshes of Glynn," "Remonstrance," "The Crystals," "How Love Looked for Hell," "Individuality," and "A Ballad of Trees and the Master." These go far into the depths of life, and also give us some insight into Lanier's religion, which was so much truer and more beautiful than any creed, a pantheism that did not exclude the personality of God and the responsibility of man, both expressed in the lines:

And I am one with all the kinsmen things
That e'er my Father fathered.¹

But none are more touching, and one had almost said more beautiful, than the outline for a poem with which the "Letters" begin:

Are ye so sharp set for the center of the earth, are ye so hungry for the center of things,
O rains and springs and rivers of the mountains?
Towards the center of the earth, towards the very middle of things ye will fall, ye will run, the Center will draw ye, Gravity will drive you and draw you in one;
But the Center ye will not reach, ye will come as near as the plains, watering them in coming so near, and ye will come as near as the bottom of the Ocean, seeing and working many marvels as ye come so near;
But the Center of Things ye will not reach,
O my rivers and rains and springs of the mountains.
Provision is made that ye shall not; ye would be merged, ye could not return.
Nor shall my soul be merged in God, though tending, though tending.

His soul was surely and swiftly tending toward God. Under what conditions he was now working may be seen from his last letter² to Hayne:

I have been wishing to write you a long time, and have thought several letters to you. But I could never tell you the extremity of illness, of pov-

¹ From "A Florida Sunday." ² November 19, 1880: "Letters," p. 243.

erty, and of unceasing work, in which I spent the last three years; and you would need only once to see the weariness with which I crawl to bed after a long day's work—and often a long night's work at the heel of it, and Sundays just as well as other days—in order to find in your heart a full warrant for my silence. It seems incredible that I have printed such an unchristian quantity of matter—all, too, tolerably successful—and earned so little money; and the wife and the four boys, who are so lovely that I would not think a palace good enough for them if I had it, make one's earnings seem less.

But in spite of these pitiful conditions it must have been an unusual despondency that spoke in the letter. For that Lanier was not always unhappy, and how he was wont to bear his trials, is shown in his poem "Opposition," written at this time:

Of fret, of dark, of thorn, of chill,
Complain no more, for these, O heart,
Direct the random of the will,
As rhymes direct the rage of art.

The dark hath many dear avails;
The dark distils divinest dews;
The dark is rich with nightingales,
With dreams, and with the heavenly muse.

Of fret, of dark, of thorn, of chill,
Complain thou not, O heart; for these
Bank in the current of the will
To uses, arts, and charities.

Various expedients were vainly tried to find relief, and meanwhile Lanier went on unfalteringly with his work. At last, in the hope of at least a painless death, camp life in North Carolina was tried. There, after long lingering, and when all but his wife were absent—and would he not have wished it so?—the end came.

Lanier's last completed poem, written at a fever temperature of 104°, with eager haste lest it should not be finished, when the hands that penciled the lines had not strength to carry nourishment to the lips and he was trembling on the brink of the great beyond to which he was so soon to cross over, was "Sunrise." Is there not something significant in this? A study of his latest poems shows that to him his death was indeed a sunrise. And was it not, not only to the man, but also to the poet?

W. P. WOOLF.

AN AGNOSTIC POET.¹

IN speaking of a classical tradition in English poetry, which finds its fountain head in Milton, one must premise that he uses the term with a full understanding of its relativity—that he means by it a relatively classic strain in a body of essentially romantic poetry. A century after Milton the same fine note, of Hellenic quality that distinguishes it from the Gallic or Latin classicism of Dryden and Pope, was struck again by Thomas Gray, and has never since ceased to sound. This quality may perhaps be best described by the terms restraint and verbal inerrancy—an ethical spirit and a faculty for putting the right word unflinchingly in the right place—both derived from contact with the Greek and Latin classics. A famous example of both is the immortal “Elegy in a Country Churchyard,” which in perfect language and an appropriately solemn measure marries the sentiment of evening melancholy to a meditation on death. In Wordsworth, half a century after, Gray’s pensive melancholy has become a mental difficulty; it is well known that Wordsworth composed his great “Ode on Intimations of Immortality” in order to argue himself into a firmer belief in life beyond the grave. Uncertainty in regard to it was ever a besetting difficulty with him, as he tenderly and beautifully put it, in the stanza of the “Elegy,” in his lines to his wife:

O dearer far than light and life are dear,
Full oft our human foresight I deplore;
Trembling, through my unworthiness, with fear
That friends, by death disjoined, may meet no more!
Misgivings, hard to vanquish or control,
Mix with the day, and cross the hour of rest;
While all the future, for thy purer soul,
With “sober certainties” of love is blest.

That Wordsworth, for all his realistic programme, could strike the classic note full and clear is witnessed to by his

¹The Collected Poems of William Watson. John Lane: New York and London. 1899.

noble poem "Laodamia," with its elevated style and ethical aim.

In the middle of the nineteenth century Arthur Hugh Clough struck out a new path in English verse, boldly experimenting with classic measures, the hexameter and the elegiac distich, in his "Bothie of Tober-na-Vuolich" and "Amours de Voyage." As to his spirit, Gray's melancholy and Wordsworth's misgiving became in Clough a paralyzing doubt—doubt as to the origin and end of the universe, whether there is any design in it and any future life for man. Clough was a consistent sceptic or agnostic, doubting his own doubt as much as he doubted the postulates of faith. His soul was as

the swan's-down feather,
That stands upon the swell at full of tide,
And neither way inclines.

In the case of his friend, Matthew Arnold, doubt crystallized into negation—denial of personality in the power behind phenomena, and of the supernatural in human experience, with consequent reduction of religion to plain ethics. In his verse the doubting mood culminated; the force of poetic negation could no farther go. Its evolution was completed; nothing more was possible along that line but the devolution of repetition.

The classical form that Arnold's despondency assumed is noteworthy. He has been called the most classical poet in English literature since Milton. He was saturated with the spirit of Hellenic stoicism, and his verse is polished and transparently clear. He admired Gray, and idolized Wordsworth. He wrote a famous monody upon the death of Clough. Characteristically, the great critic introduced literary criticism into poetry, found inspiring themes in certain great names in letters, such as Sophocles, Shakspeare, Wordsworth, Byron, Goethe, Heine, Emerson.

Mr. William Watson's verse is a pendant, a grace note to Arnold's; it represents the latest phase of the tradition that we have been tracing. And surely he can deem it no derogation from his dignity to be put in his proper niche, though

that be less than the least of those that we have mentioned. He cannot but be pleased and proud to have his name associated in any way with theirs. If Arnold represents what we may call the maturation, Mr. Watson stands for the decadence of that poetic tradition that is classical in form and agnostic in content.

The first of his "Collected Poems," as it was the first that forced his recognition by the critics, is the elegy entitled "Wordsworth's Grave;" and it is a relatively perfect summary of his poetic qualities. Here we find his agnostic and critical spirit and his fealty to nature embodied in a style of high restraint, but lacking charm, in the heroic quatrain of Gray's "Elegy." The poem consists of forty-seven stanzas, and is thus about half again as long as its famous model. Its initial line is a miracle of monosyllabic harshness:

The old rude church with bare, bald tower is here.

Not a hopeful beginning, melodically; and in fact Mr. Watson's verse bears out this generalization, that it is lacking in that "fluidity of movement" that Arnold was wont to desiderate. It is dignified but not sweet; corresponding to the temperament it enshrines, which is ethical, not spiritual. At the very outset we have a confession of the dreary agnostic faith in

that secluded spirit unknowable,
The mystery we make darker with a name;
The Somewhat which we name but cannot know,
Ev'n as we name a star and only see
His quenchless flashings forth, which ever show
And ever hide him, and which are not he.

And belief in personal immortality of course goes the way of that in a personal God. The poet, says Mr. Watson in a closing apostrophe to Nature,

sleeps,
Not to be wakened even at thy word;
Though we, vague dreamers, dream he somewhere keeps
An ear still open to thy voice still heard.

The bulk of the poem is devoted to literary criticism, criticism of the poetic production of two centuries, beginning

with the artificial verse of the age of Queen Anne and tracing the revival of nature-poetry in Collins, Goldsmith, and "the frugal note of Gray," through Burns to its culmination in Wordsworth. Generally, in his literary characterizations, and particularly in those of Coleridge, Shelley, and Byron, we remark our author's epigrammatic employment of natural imagery. In his view the history of English poetry since his hero's time has been one long decadence, until now the Muse can only "simulate emotion felt no more." In the following are plainly apparent innuendoes at Swinburne, Browning, Morris, and Arnold:

Where is the singer whose large notes and clear
Can heal and arm and plenish and sustain?
Lo, one with empty music floods the ear,
And one, the heart refreshing, tires the brain.
And idly tuneful, the loquacious throng
Flutter and twitter, prodigal of time,
And little masters make a toy of song
Till grave men weary of the sound of rhyme.
And some go pranked in faded antique dress,
Abhorring to be hale and glad and free;
And some parade a conscious naturalness,
The scholar's not the child's simplicity.

The lines breathe a bitterness of spirit that seems to afflict the author whenever he contemplates his own time. Wordsworth rejoiced in the springtime and mighty morning of the century; but *his* lot has fallen in a wintry twilight, an iron age wherein everything goes wrong. We are constrained to prophesy that were the singer to appear whose large note should heal, sustain, etc., Mr. Watson would shake his head and say that it was impossible for critical, agnostic men to accept any such message in these days.

The peace of nature soothes this perturbed spirit, and the poem is slaked at last in evening calm that reminds one forcibly of Gray. The following stanza would be the most beautiful of all, were it not for an execrable rhyme which can only be brought out by mispronouncing the last word.

The half-heard bleat of sheep comes from the hill.
Faint sounds of childish play are in the air.
The river murmurs past. All else is still.
The very graves seem stiller than they were.

The prominent position of the poem in this collected edition is fitting, for it is the most significant and almost the longest. It is the best of that elegiac division of Mr. Watson's work in which his chief claim to excellence lies. His characteristic attitude is that of one born to build the tombs of the prophets, to mark with gravestones the demise of great poetry in Britain. Like his paragon, he must have a meditation on "The Tomb of Burns." His lines on Keats have "the sententious brevity of an epitaph:"

He dwelt with the bright gods of elder time,
On earth and in their cloudy haunts above.
He loved them: and in recompense sublime,
The gods, alas! gave him their fatal love.

He writes a monody on Shelley, a sonnet "At the Grave of Charles Lamb," and returns to the praise of Wordsworth:

It may be that we can no longer share
The faith which from his fathers he received;
It may be that our doom is to despair
Where he with joy believed;
Enough that there is none since risen who sings
A song so gotten of the immediate soul,
So instant from the vital fount of things
Which is our source and goal;
And though at touch of later hands there float
More artful tones than from his lyre he drew,
Ages may pass ere trills another note
So sweet, so great, so true.

It is not a little remarkable that in his threnody on Matthew Arnold Mr. Watson seems not to realize (or is it that he does not wish to admit?) his dependence on that so much greater poet. He holds the critical scales with an even hand, and for every word of appreciation lets fall one of disparagement. The method is not without appropriateness in the case of one who was himself a critic. Tennyson's death has afforded him his latest theme for a dirge:

Carry the last great bard to his last bed.

Taking and continually recurring to "Wordsworth's Grave" as a starting point, we will endeavor to develop the suggestions afforded by it for a construction of our author's

poetic character. And first, of his attitude toward external nature: in natural correspondence with his elegiac mood, the fall of the year makes the deepest appeal to his spirit of all the seasons. Tennyson's death in the month of October enabled him effectively to interweave with his lament the familiar parallel of the death of man and the fall of the leaf; and his most elaborate nature-piece, next to his "Hymn to the Sea," is a study of "Autumn"—that "metaphor of everything that dies, and soul of all regret." We call it a "study" advisedly; in his nature-worship Mr. Watson never loses himself in rapture; his treatment is objective: we never lose sight of the distinction between him and his subject. Nevertheless Nature is his goddess, his healing power, the stay and refreshment of his troubled spirit. Thus his attitude is the same as Arnold's; like Arnold's, too, are his half serious, half playful studies of animal life, as in the following epitaph on a dog:

His friends he loved. His fellest earthly foes—
Cats—I believe he did but feign to hate.
My hand will miss the insinuated nose,
Mine eyes the tail that wagg'd contempt at Fate.

Like Arnold's, furthermore, is his ethical idealism. Mr. Watson has thoroughly mastered the truth contained in the moralist's familiar axiom, that the pursuit of happiness defeats itself. He enunciates this truth again and again; it is apparently one of the deepest lessons of his experience of life. Joy, he says in one place, is "only by them that never wooed her won;" and this is the gist of his interpretation of the career of "Byron the Voluptuary:"

Too avid of earth's bliss, he was of those
Whom Delight flies because they give her chase.
Only the odor of her wild hair blows
Back in their faces hungering for her face.

He pushes this principle to an impracticable extreme, however, when he maintains that one should not only not pursue pleasure but should reject her, even when she comes in spiritual guise. This he does in his misnamed metrical argument "The Hope of the World," in which he argues

against hope, against belief in a beneficent design in the universe, simply because it is pleasant:

Such are the tales she tells:
 Who trusts, the happier he:
 But naught of *virtue* dwells
 In that felicity!
 I think the harder feat
 Were his who should *withstand*
 A voice so passing sweet,
 And so profuse a hand—
 Hope, I forego the wealth thou fling'st abroad so free!

Here we have a moral paradox, the very Quixotism of ethics. We often have to do unpleasant things because they are right; Mr. Watson would persuade us to do them because they are disagreeable! It is questionable service to the cause of ethics to separate virtue and happiness so completely that virtue becomes unhappy and happiness unmoral. Some pleasure is wrong; but Mr. Watson's reasoning can proceed only from the illicit premise that all pleasure is wrong—which is the obsolete postulate of asceticism. Strange to hear a moralist, declaiming against belief in a moral order in the universe! We must simply take issue, flatly, with his negation. Virtue *does* dwell in that belief, and not only so: she finds in it her justification and her one sure and sufficient stay.

As may readily be inferred from this one-sided moralism, the æsthetic side of our poet's nature has never been developed. He is in bondage to a narrowly classical conception of the marble perfection of art:

The thousand painful steps at last are trod,
 At last the temple's difficult door we win;
 But perfect on his pedestal, the god
 Freezes us hopeless when we enter in.

He does not go to art for refreshment, unless it be the art of music; he writes admiringly of Bach, and asks whether he has not taken Schubert's songs into his brain and blood? Only too effectually, one is disposed to reply; they have been food for his melancholy. His conception of his own art is classical; his "Sovereign Poet" asks no converse or

companionship in the "cold starlight" where others cannot climb—a somewhat cheerless elevation! It is not so much that he gives us a version of an ode of Horace, and speaks of Virgil, Theocritus, Catullus, and Lucretius; that mythological allusions (to Orpheus, for example, Mnemosyne, Narcissus, Eros, Aphrodite, Lethe), are frequent in his poems; that he characterizes the Franco-Russian alliance as the amours of Hercules and Venus; that he writes of the Immortals, and of Latmian laurel, and constantly refers to the Muse (though all these things indicate clearly enough the sources of his culture)—but it is because of his fondness for words of Latin derivation, and for classical forms of verse in English literature that we rank him as the latest born of the classical succession. We think that such words as "amorist agonist," "dulcifluous," "immelodious," "translunary," "prehensible," "ingeminations," "immaculacy," "ebullient," "resilience," "fortuitous," "consanguinity," and "consentaneousness" sometimes weight his verse too heavily for poetry, produce the sensation of prose. And withal his vocabulary is not rich and flexible. His favorite measure is iambic, and his form of verse, the heroic quatrain, as has been copiously illustrated by the selections in this paper. He hardly ever experiments, and then not with conspicuous success, with dactyls or anapæsts. His style is too formal for lyric flow; in truth, neither spirit nor verse is lyrical; his few songs do not sing themselves into the memory. He succeeds in epigram, in which, and also in an occasional strain of blank verse, he recalls the classicist Landor, of whose work he writes in a tone of high admiration. Once, in his "Hymn to the Sea," he follows Clough in experimenting with the elegiac distich, which prettily represents the rising and falling of the tide. His political reflections are generally cast in the sonnet form.

His high idealism qualifies him as a critic. Mr. Watson's verse excellently illustrates Arnold's definition of poetry as "a criticism of life." We have spoken of the strong infusion of literary criticism in his work; he is also a critic of life in general, and of politics in particular. Under the general

head we may place, as an illustration, the following fine sonnet, which is saturated with the "high seriousness" that Arnold particularized as the mark of the best poetry:

I think the immortal servants of mankind,
Who, from their graves, watch by how slow degrees
The World-Soul greatens with the centuries,
Mourn most Man's barren levity of mind,
The ear to no grave harmonies inclined,
The witless thirst for false wit's worthless lees,
The laugh mistimed in tragic presences,
The eye to all majestic meanings blind.

O prophets, martyrs, saviours, ye were great,
All truth being great to you; ye deemed Man more
Than a dull jest, God's ennui to amuse;
The world, for you, held purport; life ye wore
Proudly, as Kings their solemn robes of state;
And humbly, as the mightiest monarchs use.

But now, ours is a

world of worldlings, where
Souls rust in apathy, and ne'er
A great emotion shakes the air,
And life flags tame,
And rare is noble impulse, rare
The impassioned aim.

To dress, to call, to dine, to break
No canon of the social code,
The little laws that lacqueys make,
The futile decalogue of Mode,—
How many a soul for these things lives,
With pious passion, grave intent!
While Nature careless-handed gives
The things that are more excellent.

In politics our poet is a liberal of the old school, believing in the unlimited right of communities to self-government (which is a different thing from the claim to do as they please). He has a perfect abhorrence of despotism, which he sees incarnated in the Russian and Turkish empires; the spectacle of the latter excites him to positive profanity. Of course he sympathizes keenly with the Greeks and Armenians. He loves his native land tenderly, repeatedly calls her "Mother," is proud of her great past (seen in perspective in *The Father of the Forest*), believes that her decline would

be the decline of secular justice,—while he has for her many words of shame, rebuke, and warning. He holds that she has been misled of late by “purblind guides,” in whose policy he finds only matter for criticism. This attitude has inevitably drawn upon his devoted head much popular reproach; and yet it is precisely here that he makes the deepest appeal to our sympathies. What in life is more lacerating to the feelings than a mother’s dereliction from duty? And what conception have the populace of the poet’s office? Do they think it is and ought to be like the clown’s, who, with breaking heart it may be, must gibber and cut antics for their applause? Mr. Watson has a loftier idea of his apostolate, and in uttering his heart gives proof of the higher patriotism, of deeper loyalty, and more affecting love. He has pity for the poor and oppressed, but he never truckles to the mob; in sooth, he shows that he is of the intellectual aristocracy of Arnold by a scornful reference to “the stupid million,” and by the following petition for the Pharisees and Philistines who condemn Robert Burns:

He erred, he sinned; and if there be
Who, from his hapless frailties free,
Rich in the poorer virtues, see
His faults alone—
To such, O Lord of Charity,
Be mercy shown!

In conclusion, we have to confront once more the specter of Agnosticism, which with its attendant Pessimism and Fatalism seems to have taken permanent possession of the inmost recesses of our poet’s soul, there, like a grisly vampire, to suck the blood of his inspiration. In “The Unknown God,” whose “coils” enfold the world, he proclaims his degeneracy into serpent worship;—a poor substitute for that of Jehovah, the God of righteousness of the Old Testament, whom after the fashion of cheap infidelity Mr. Watson derides,—and thereby does what he can to cut at the root of his country’s greatness. In “The Hope of the World” he devotes himself to arguing Hope down,—arguing for chance against design, and against belief that God is a god of truth and that there is love in heaven! One cannot acquit a poet

of perverseness in taking such ground as this. We appeal from Philip drunk to Philip sober in his own words (omitted, with sad significance, in the present volume):

Dismiss not so, with light, hard phrase and cold,
Even if it be but fond imagining,
The hope whereto so passionately cling
The dreaming generations from of old!

His omission of that sentiment from his collected poems can indicate nothing else than that he has incarcerated himself in the dungeon of his error and thrown away the key, through the barred window. Of course he rejects Christ:

Not mine your mystic creed; not mine, in prayer
And worship, at the ensanguined Cross to kneel.

The inhumanity of this attitude comes out most pitia-
bly in an unjust sneer at the observance of Christmas day as
meaningless, and an ill-natured wish that it might be abol-
ished. What wonder that he has to confess

To all my songs there clings the shade,
The dulling shade, of mundane care;
They amid mortal mists are made . . .
—I am fettered to the sod,
And but forget my bonds an hour;
In amplitude of dreams a god,
A slave in dearth of power.
And fruitless knowledge clouds my soul,
And fretful ignorance irks it more.
And ah, to know not, while with friends I sit,
And while the purple joy is passed about,
Whether 'tis ampler day divineller lit
Or homeless night without;
And whether, stepping forth, my soul shall see
New prospects, or fall sheer—a blinded thing!
There is, O grave, thy hourly victory,
And there, O death, thy sting.

To which all that we have to say is that a God who left
mankind in such a dilemma would be indeed an Ogre, in-
cumbent on the throne of things. But what shall we say to
a poet who rejects His revelation,—who shuts his eyes and
cries that all is dark? We confess we have no patience or
pity to spare for one who in this day wilfully goes back to hea-
thenism. We would tell Mr. Watson plainly that his criticism

of Burns applies with greater force to himself: *he* has "lost Life's chart." He has strayed from the center that gives command of life. In striking language he gives expression to the desolation of the spirit that admits dependence upon Nature only and seeks support only in her:

Oftentimes he feels
The intolerable vastness bow him down,
The awful homeless spaces scare his soul.

Even Nature fails; over Nature falls "The Raven's Shadow" of agnosticism.

Strange the world about me lies,
Never yet familiar grown—
Still disturbs me with surprise,
Haunts me like a face half known.
In this house with starry dome,
Floored with gemlike plains and seas,
Shall I never feel at home,
Never wholly be at ease?
On from room to room I stray,
Yet my Host can ne'er espy,
And I know not to this day
Whether guest or captive I.
So, between the starry dome
And the floor of plains and seas,
I have never felt at home,
Never wholly been at ease.

Hence the jar in his personality vividly described in a sonnet, *The Mock Self*,—a remarkable bit of psychology; hence the torment of the difference between the ideal and the actual, which is one of his most painful and frequently repeated emotions; hence his sickness of mind and body: one of the sweetest outbursts of feeling in the volume is his celebration of his escape from mental eclipse (would that he had taken its lesson to heart!); hence, finally, his desultory inspiration:

Not mine the rich and showering hand, that strews
The facile largess of a stintless Muse.
A fitful presence, seldom tarrying long,
Capriciously she touches me to song—
Then leaves me to lament her flight in vain,
And wonder will she ever come again.

The Spencerian Unknowable is bad for poetry. Mr.

Watson is a poet, but he has not originality; he has cut himself off from its source. His verse stores up the last ooings of the Clough-Arnold tradition; whatever seems new in it is owing to the new age in which it is composed. In his doubt of the immortality of the soul he clings desperately to the (Positivistic) doctrine of the immortality of poetry; nothing is of more frequent repetition in his verse. But Tennyson would administer cold comfort:

Take wings of foresight, lighten through
The secular abyss to come,
And lo! thy deepest lays are dumb
Before the mouldering of a yew;
And if the matin songs, that woke
The darkness of our planet, last,
Thine own shall wither in the vast
Ere half the lifetime of an oak.
Ere these have clothed their branchy bowers
With fifty Mays, thy songs are vain;
And what are they when these remain
The ruined shells of hollow towers?

Mr. Watson is mistaken: agnosticism is not a working theory of life. It is strange that his profound depression of spirits should not have instructed him ere now as to his mistake; for it is the inevitable and beneficent penalty for separation from the source of being, which is the harmony of the universe. The God that made man is not so different and so estranged from man as he supposes; nothing but a man's will keeps Him from entering into his life.

By a happy inconsistency, our poet seems ever and again to yield to the conviction that there is a moral order in the world; at the end of "The Father of the Forest," the "Hymn to the Sea," and his "Apologia," which is the end of the book, he seems to admit the light, and to profess faith in a "golden end," which is that

far-off, divine event
To which the whole creation moves.

If he follows the gleam, we may expect more and better poems from him. If he is false to it, we shall hear from him no more; for his voice, though he should speak, will not be heard.

GREENOUGH WHITE.

REVIEWS.

SLAVERY AND FOUR YEARS OF WAR.

A POLITICAL HISTORY OF SLAVERY IN THE UNITED STATES. By Joseph Warren Keifer, Brevet Major General of Volunteers; Ex-Speaker of the House of Representatives, U. S. A.; and Major General of Volunteers, Spanish War. Illustrated. Vol. I., 1861-63; pp. x, 324. Vol. II., 1863-65; pp. iv, 352. 8vo. New York and London: G. P. Putnam's Sons, 1900.

Gen. Keifer's military and political experience has afforded him unusual facilities for writing history, and the volumes before us have all the freshness of a memoir; but they do not possess the originality one would be inclined to expect. All that is said, moreover, might have been compressed within just half the space. There are numerous illustrations, including four of Gen. Keifer himself, and there is also a carefully prepared index; but, despite the fact that our author writes a history of the civil war, his work does not contain many maps.

Gen. Keifer adopts the view that slavery bred State rights, which in turn brought about the war of secession, and he prefaces his narrative with a long account of slavery in the United States. This, of course, does not enable him to say much that is new. The introduction of slavery into the colonies is explained, and the prospects of its gradual extirpation after the war of independence commented upon; but the invention of the cotton gin came just in time to fetter the bonds of the negro more tightly, and to impart fresh vigor to what seemed to be a moribund institution. We do not think, however, that Gen. Keifer sufficiently recognizes the play of economic forces in the matter of slavery, although he is fair enough to perceive that the whole country, rather than any one section, was responsible for this blighting curse, and that the nation had to suffer for its sin.

After explaining the causes of the growth of slavery, Gen. Keifer next proceeds to describe the effect of the fugitive slave laws, during a period when the acquisition of fresh territory had a tendency to foster the spread of sectionalism until one-

half the country was arrayed against the other half. It is true various compromises were tried, but they all failed in the end, whilst the Dred Scott decision seemed to point to the nationalization of the evil. But all forces were really making for the destruction of slavery, although the then newly created Republican party disclaimed any intention of interfering with the institution in the States where it already existed. There was a very decided opposition in that organization, however, to its spread; and, as every one knows, the election of Mr. Lincoln was the signal for the secession, first of South Carolina and afterwards of ten other Southern Commonwealths.

In discussing the resignation of various army officers—including Lee and Longstreet—in order to cast in their lot with the ill-starred Confederacy, we do not think that Gen. Keifer observes that conventionality which one soldier ordinarily recognizes in speaking of an enemy; and there are often occasions when he might have said the same thing—if he really wanted to say such things at all—without any trace of bitterness or sectionalism. Slavery and the civil war (or rebellion, if Gen. Keifer insists on calling it so) have passed into history, and one ought to be able to discuss the subject nowadays without the assistance of the “bloody shirt.”

Our author details the campaigns in Virginia, Kentucky, Tennessee, Mississippi, Maryland, and Pennsylvania, in many of which he took an active part. The formation of the State of West Virginia is also described, whilst there is an unusually interesting account of the killing of Col. John A. Washington, great-grandson of Washington's brother, in one of the early skirmishes.

At the conclusion of the Gettysburg campaign Gen. Keifer was transferred to the Army of the Potomac, and remained with it until the close of the war. Subsequent chapters describe the draft riots in New York, the assumption by Gen. Grant of control of the Union armies, and the various battles in and around Petersburg, Richmond, and other points in Virginia. There are some interesting personal anecdotes. The following seems quite characteristic.

It describes our author, just recovering from a wound received in the Wilderness, responding to orders from the War Department to report to Gen. Sheridan. We will let Gen. Keifer tell the story himself: "When I reported to Sheridan, he looked at me fiercely, and observed: 'I want fighting men, not cripples! What can I do with you?' I asked him to order me to Gen. Wright for assignment to my old brigade. He seemed to hesitate. I informed him of my familiarity with the Shenandoah Valley, and told him I thought I was able for duty. He gave the desired order reluctantly. Sheridan did not impress me favorably then. He seemed restless, nervous, and petulant. I now think I somewhat misjudged him."

Our author speaks very highly of Gens. Wright and Ricketts. Of Rutherford B. Hayes, then a brigade commander, he has this to say: "He was a man of medium height, strong body, sandy hair, sanguine temperament, and was always self-possessed and gentle in his intercourse with others. He was a most efficient officer, and had the power to inspire his men to heroic deeds. He was twice wounded."

The concluding chapters of Gen. Keifer's work narrate the peace negotiations, including Fernando Wood's correspondence with Lincoln in 1862, and the Niagara conference. There is also a detailed account of the celebrated Hampton Roads conference. Finally the end came with the surrender of Lee's army.

Gen. Keifer refers comparatively little to his personal experiences in politics, and leaves the reconstruction period almost untouched; but he usually refers to his political opponents in courteous language. He left Congress in 1885, and has since remained in private life except during a brief interruption caused by the war with Spain. His style as a writer is not attractive, and there are numerous typographical errors throughout the work; but, in spite of its lack of originality and historical impartiality, there is a personal account of actual contact with great men, which renders some parts of the work very attractive.

B. J. R.

A NEW TEXT-BOOK ON ENGLISH LITERATURE.

THE FOUNDATIONS OF ENGLISH LITERATURE. A Study of the Development of English Thought from Beowulf to Milton. By Fred Lewis Pattee, Professor of English and Rhetoric in the Pennsylvania State College. Silver, Burdett & Co., New York.

The title of this book is not accurate save when the long sub-title is added, for a treatise which includes Chaucer, Shakespeare, Spenser, and Milton can hardly be described as dealing with the foundations—what there is in English besides the works of these men is not the main structure, but the additions. "The Foundations of English Literature" is frankly a text-book, but it is an excellent text-book. It is just the sort of book which the overworked instructor in a small college can profitably use as a text-book, or which the specialist can recommend as a competent guide to the whole field of English literature down to Milton. "The object of this book is to present a careful study of the origins of English literature, and to trace its development up to the time when it assumed its permanent form." The book is not "a storehouse of facts;" a prefatory bibliographical note names the common standard reference books, which the student will consult often. There is with each chapter a short, sufficiently comprehensive book list; at the top of each page there are printed the two topics discussed on that page; at frequent intervals there are tables of dates and events in English and continental history—all of which are indications of how carefully Prof. Pattee has remembered that he is writing a book for students, and not for critics, who might prefer a page full and without indentations made by dates.

English literature is treated as a development, which it surely is, and before beginning the discussions of the writings themselves four brief chapters are given up to the setting in which the literature was to appear—the geography of Britain and the life and society of the primitive Englishman. Prof. Pattee knows clearly that literature is the expression of a nation's life, and that an understanding of the latter is presupposed in a knowledge of the former. The political

and social conditions are mentioned continually as showing the reasonableness of the literary forms which the writers of each period adopted. This wholesome and digested historical knowledge will be valuable to students in helping them to realize the ignorance and barbarity of the ages which could nevertheless produce literary geniuses of the first rank. It serves also to prevent the author's attempting to induce us to think that a man who does not read Anglo-Saxon has lost a priceless literary heritage in the literature before Chaucer—a mistake which those whose work is too exclusively with "the foundations of English literature," as seen in philology, are prone to make.

In the use of this book, however, one should always keep in mind how superior a genius can show himself to his environment. A critic with a theory of literary evolution to prove, or even a development to show, is liable to do as Prof. Pattee has done in some instances, to put the power of genius too low. Shakespeare is most emphatically not a mere Elizabethan dramatist writ large, and it is rash to say of Milton that had he failed to pass through just the training which he did "*Paradise Lost*" would have been impossible. The treatment of Milton is in several points unsatisfactory to us, for we cannot think that Milton's prose work served only to add fuel to controversy, that he ruined his eyes to no practical good, or that "*Paradise Lost*" has been of little influence because impossible of imitation. Milton's prose did not affect the masses, but it affected and still affects thinkers, and the sublime passages are more frequent than "here and there," as in the "*Areopagitica*." We cannot lament the loss of Milton's eyes in his political cause unless we lament the character of the man, for a man could not be of Milton's character and fail to be blind to all else save duty. It is almost fatuous to speak of Milton's poetry as seen in "*Paradise Lost*" as not having influenced Gray, Wordsworth, and Tennyson, to name no more than these three men.

G. C. E.

NOTES.

IN his new volume, "Democracy and Empire" (Macmillan), Prof. Franklin H. Giddings continues his psychological and economic studies which have already been published in his two works on sociology; but his latest production is far more readable than anything else that has come from his pen. There is also a timeliness about the present book which ought to insure its success and usefulness in spite of the fact that much of the material has once before seen the light in various scientific journals. Prof. Giddings seems inclined to believe that in the present international "struggle for existence" there is an irresistible tendency toward the consolidation of small states into larger political aggregations, and that such a political crystallization, so to speak, will probably continue until the less advanced peoples are brought under the influence of the greater civilized nations. He might have instituted a comparison here, we think, between this natural evolution and the destruction of the petty feudal states by the rise of national power; for doubtless the growth of cosmopolitanism will witness many of the scenes which accompanied the transition period between the barony and the monarchy. Prof. Giddings takes a rather optimistic view of the situation, however, and detects no serious conflict between empire-building and the growth of democracy. To quote his own words: "When a nation makes itself the nucleus of an empire, step by step extending its sway over distant lands and peoples successively annexed, it can continue to be democratic; it can become, decade after decade, more democratic; it can even permit its colonies or dependencies to be democratic, while at the same time maintaining a strong imperial government for purposes of common defense—all on the inviolable condition that, *as it lengthens the reach of government, it must curtail the functions of government.*" In other words, the imperial constitution must foster the growth of local government—a fact that finds striking proof in the history of the British Empire.

"The Diplomatic Relations of the United States and Spanish America" comes to us from Baltimore (Johns Hopkins University Press), and embodies a course of lectures delivered by Dr. John H. Latané, as provided for by the Albert Shaw Foundation. The author of the present volume does not claim to do more than introduce the reader to the subject of our Spanish relations; but his work is highly creditable, and condenses briefly the whole question that has played so important a rôle in our diplomatic history. Dr. Latané lays special stress, of course, on the services rendered the Spanish-American states by England and the United States, and discusses at length the Monroe doctrine. Notwithstanding his industry in this direction, however, he can scarcely be said to reach a definite conclusion; but this, of course, is not the fault of Dr. Latané. His style is somewhat tedious, and his apparent ignorance of the Spanish language has caused him to rely too much on secondary authorities, from whom he quotes very liberally. But his volume is a timely and a valuable one, and should be read carefully by all who wish light on the subject of our foreign policy. There is a good index; but the paper and binding of the book have that cheap appearance which too often characterizes the Johns Hopkins publications.

In retiring from the editorship of this REVIEW I desire to thank most warmly the kind friends without whose coöperation the undertaking would have died in its inception, nearly eight years ago. I wish also to bespeak for my successors, Profs. J. B. Henneman and B. J. Ramage, the encouragement and sympathy that have been so abundantly bestowed upon me.

W. P. TRENT.

Sewanee, Tenn., July 15, 1900.